Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA AT SHILLONG

PIL No. 18 of 2019

Date of order: 23.06.2022

Lawyerson War vs. State of Meghalaya & ors.

Coram:
Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Mr. S. Dey, Adv. with
Mr. S. Deb, Adv.

For the Respondents : Mr. A. Kumar, AG with
Mr. S. Sengupta, Addl. Sr. GA

The petitioner submits that the petitioner has obtained a copy of a challan pertaining to limestone mining that brings to light the irregularities in such regard. The petitioner also complains that since the institution of the present proceedings, requests made by the petitioner under the Right to Information Act, 2005 have gone unheeded.

The petitioner will disclose the relevant challan and the connected documents by way of an affidavit. The source of obtaining the challan need not be disclosed, since the State will confirm whether the copy document is authentic or not. The State should also ensure that the reasonable questions put to the appropriate Department under the Act of 2005 are dealt with in accordance with law. While dealing with RTI

queries sometimes becomes extremely tiresome and time-consuming, since the right has now been conferred, the infrastructure for the fruition of such right must be created. At any rate, the more such facts come to light, the better the existing malaise may be treated.

The petitioner's supplementary affidavit should be filed within a week from date and the State's response thereto should be filed within a fortnight thereafter.

It is reported by the petitioner that challans like the one that the petitioner has produced in Court today and a copy whereof will be incorporated in the proposed supplementary affidavit, are being used for persons to cite the same as a license to export the limestone to a neighbouring country, though the license issued is by treating limestone as a minor mineral. A license for mining limestone as minor mineral may only be issued if the end-use of the product is as a building material. Surely, exporting the goods to another country will not amount to the mineral being used for building material even if the same were used for building material in the other country.

The State's affidavit should deal with such aspect of the matter upon ascertaining whether any license issued to any person for mining

limestone as a minor mineral is being misused by exporting the mining mineral to any country. The matter will appear four weeks hence.

List on July 25, 2022.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
23.06.2022
"Sylvana PS"