

07/15/2024



MEGHALAYA

Order restrains illegal mining, quarrying

By: By Our Reporter January 6, 2024

SHILLONG, Jan 5: East Khasi Hills district magistrate has issued an order under section 144 CrPC restraining illegal mining and quarrying in the hill slopes, removal of sand from river-beds by any person, company, or authority without obtaining a mining licence/quarry permit and other clearance certificates from the Competent Authority/(s).

The order came after rampant illegal quarrying and mining particularly, on hill slopes and removal of sand from river-beds taking place in various parts of the district, specifically in Sohiong, Mawblei, and Umphyrnai which has severely affected the water sources in the surrounding and adjoining areas, the notification issued here informed.

'Given the urgency of the matter, the order has been passed ex-parte and shall come into force with immediate effect throughout East Khasi Hills until further orders'.

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 150/2024

News item titled "**Order restrains illegal mining, quarrying**" appearing The Shillong Times dated 06.01.2024

Date of hearing: 20.02.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Ms. K. Enatoli Sema, Adv. for Meghalaya SPCB (Through VC)

ORDER

1. This original application is registered on the basis of the news item titled "**Order restrains illegal mining, quarrying**" appearing in The Shillong Times dated 06.01.2024. The news item reveals that there is rampant illegal quarrying and mining particularly on hill slopes and removal of sand from river beds in various parts of the East Khasi Hills district, specifically in Sohiong, Mawblei and Umphymai and these activities have severely affected the water sources in the surrounding and adjoining areas. As per the said news item East Khasi Hills district magistrate has issued an order under section 144 CrPC restraining illegal mining and quarrying in the hill slopes and removal of sand from the river beds by any person, company, authority etc. without obtaining a mining license/quarry permit.

2. The news item raises substantial issue relating to compliance of environmental norms.

3. Power of the Tribunal to take up the matter in *suo-motu* exercise of power has been recognized by the Hon'ble Supreme Court in the matter of

*“Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.”
reported in 2021 SCC Online SC 897.*

4. Hence, we implead following as respondents in the OA:
 - (i) Meghalaya State Pollution Control Board, through its Member Secretary
 - (ii) Deputy Commissioner/District Magistrate, East Khasi Hills, Meghalaya
 - (iii) State of Meghalaya, through Principal Secretary, Forests and Environment Department, Meghalaya
5. Respondent no. 1 is represented through the counsel who has prayed for time to file vakalatnama as also the response. Let the same be filed before the appropriate bench of the Tribunal within four weeks.
6. Let notice be issued to Respondents No. 2 and 3 for filing their response before the appropriate bench of the Tribunal.
7. Since the matter relates to the Eastern Zonal Bench, Kolkata, therefore, OA is transferred to the Eastern Zonal Bench for appropriate further action. Office is directed to transfer the original record of the OA to Eastern Zonal Bench, Kolkata.
8. List before Eastern Zone Bench at Kolkata on 02.04.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 20, 2024
Original Application No. 150/2024
AS.