

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH AT KOLKATA  
ORIGINAL JURISDICTION  
O.A. NO. 158 OF 2024**

**IN THE MATTER OF:**

News Item "Soil Dumping: Umiam River Cries for Help"  
appearing in Shillongtimes.com dated 26.05.2024 ... Applicant

Versus

Meghalaya State Pollution Control Board & Ors. ... Respondents

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Filed By:

Dated: 18.01.2025



[Avijit Mani Tripathi]  
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New Delhi – 110 001  
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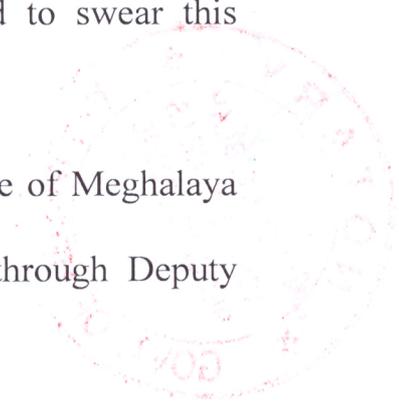
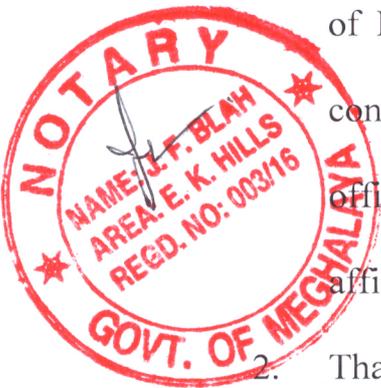
**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT  
STATE OF MEGHALAYA**

I, S. S. Syiemlieh, MCS, Joint Secretary to the Govt. of Meghalaya, Environment and Forest Department, having office at the Secretariat, Secretariat Hills, Shillong, Meghalaya – 793102, do hereby solemnly affirm and state as under:

1. That I am presently posted as the Joint Secretary to the Government of Meghalaya, Environment and Forest Department and as such conversant with the facts and records of the present case in my official capacity, I am competent and authorized to swear this affidavit.

2. That it is most respectfully submitted that the State of Meghalaya has been impleaded in the present proceedings through Deputy

SI/J Instrument No. 54  
16/11/25  
Date: .....

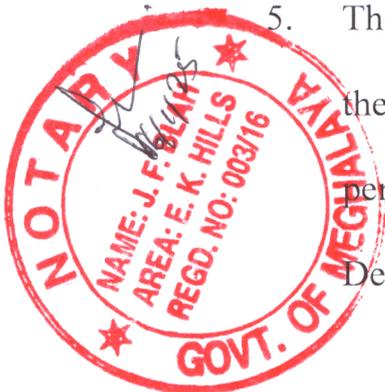


Joint Secretary  
to the Govt. of Meghalaya  
Forest & Environment Department

Commissioner, Ri-Bhoi District, whereas the site in question falls within the East Khasi Hills District of the State of Meghalaya. Be that as it may, the State Government is filing this affidavit through the Secretary of the concerned Department, i.e. the Forest and Environment Department.

3. The captioned case arises from a newspaper report published in the Shillong Time daily titled as "Soil Dumping: Umiam River Cries for Help" which reported dumping of excavated soil into the Umiam River by an ongoing construction of a commercial property and this Hon'ble Tribunal has been pleased to issue notice and seek response from the State Government as well as the Meghalaya State Pollution Control Board (MSPCB) as the to the action taken in that regard.
4. That it is most respectfully submitted that the present case is an instance of violation of environmental norms and permission by a single commercial entity, viz. M/s Oriental Star Luxury Resort which is being constructed near a seasonal stream which is a tributary of the Umiam River.
5. The project in question falls within the scheduled area governed by the Khasi Hills Autonomous District Council which grants permission for construction etc. The Forest and Environment Department has granted 'non-forest land certificate' to the proprietor

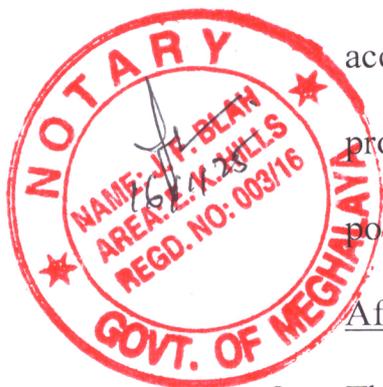
Joint Secretary  
to the Govt. of Meghalaya  
Forest & Environment Department



of the entity for construction of a resort way back on 27.11.2019 which was subject to clearances and consents to be obtained from the MSPCB before any activity can commence on the site in question. A copy of approval of Principal Chief Conservator of Forests (HoFF) dated 26.11.2019 along with copy of 'non-forest land certificate' issued by the Divisional Forest Officer, East Khasi Hills and Ri-Bhoi (T) Division dated 27.11.2019 are annexed herewith and marked as **ANNEXURE R-4/1** and **ANNEXURE R-4/2** respectively.

Joint Secretary  
to the Govt. of Meghalaya  
Forest & Environment Department

6. That it is most respectfully submitted that the MSPCB has granted Consent to Establish (CTE) to the project proponent with certain conditions to be fulfilled by the entity while carrying out construction activities for the resort complex.
7. That upon inspection by the MSPCB, it was found that the project proponent has violated the conditions of the Consent to Establish and accordingly the MSPCB issued a Prohibitory Order to the project proponent on 28.05.2024 to stop all construction activities which are polluting the stream. [Annexure R/2 to Respondent No.1- MSPCB Affidavit]



8. That subsequently, the MSPCB issued a show-cause notice to the project proponent on 24.06.2024 under Section 33A of the Water

Act, 1974 and Section 31A of the Air Act, 1981 for the violation of conditions of the Consent to Establish. [Annexure R/3 to Respondent No.1- MSPCB Affidavit]

9. That upon not receiving any satisfactory reply from the project proponent, the MSPCB proceeded to issue a 'closure notice' to the project proponent on 12.09.2024 to forthwith stop all the construction activities of the proposed resort complex till the directions issued by the MSPCB in compliance with conditions of the CTE are met by the project proponent. [Annexure R/3 to Respondent No.1- MSPCB Affidavit]

10. That accordingly, the construction activities of the concerned project has been stopped and the same has been verified in the subsequent inspection conducted by the MSPCB on 03.10.2024 but it was found that deficiencies pointed out have not been addressed by the project proponent till that date. [Annexure R/4 to Respondent No.1- MSPCB Affidavit]

11. That upon information received from the MSPCB, the office of the Divisional Forest Officer, East-Khasi Hills and Ri-Bhoi Division, vide letter No.KH/1/235/RBD/4289 dated 13.12.2024 has directed the Range Forest officer, I/C Shillong Range, to inspect the site in question and take necessary further action if there is violation of

Joint Secretary  
to the Govt. of Meghalaya  
Forest & Environment Department

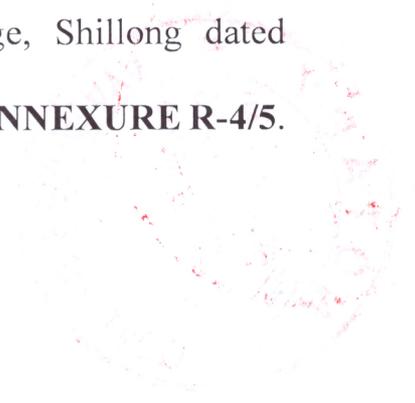
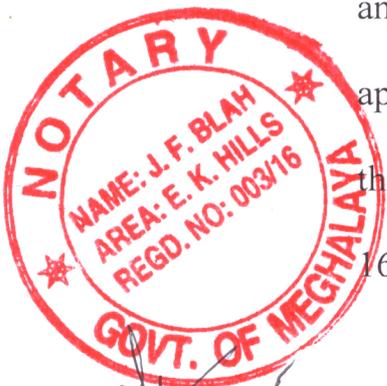


environmental norms. A copy of letter of the Divisional Forest Officer, East-Khasi Hills and Ri-Bhoi Division to the Range Forest officer, I/C Shillong Range dated 13.12.2024 is annexed herewith and marked as **ANNEXURE R-4/3**.

12. That the concerned Range Forest officer got the area inspected through area Beat Officer, and upon observation of violation of environmental norms in form of illegal earth cutting by the project proponent, the illegally extracted earth was measured and valued, and statement of the violator was taken on record. On the basis of the above, an offence report bearing No. SN/11 dated 14.12.2024 has been registered. A copy of offence report drawn against Sh. Philosopher Iawphniaw dated 14.12.2024 is annexed herewith and marked as **ANNEXURE R-4/4**.

13. That the project proponent has made a request for compounding of the offence. Accordingly, an application has been moved before Court of Ld. District and Sessions Judge, Shillong for further orders and necessary legal action against the violator. A copy of the application made by the Range Forest officer, Shillong Range before the Court of Ld. District and Sessions Judge, Shillong dated 16.12.2024 is annexed herewith and marked as **ANNEXURE R-4/5**.

Joint Secretary  
to the Govt. of Meghalaya  
Forest & Environment Department



14. That simultaneously, the Beat Officer has prepared his status report vide letter No.SRF/10/Misc./2024-2025/65 dated 19.12.2024 on existing status of the site and project in question reporting that construction of the necessary retaining walls and drains to arrest any pollutant from getting into the nearby stream is yet to be completed as directed by the MSPCB. However, it is also noted that the construction activities at the resort building was found to be on hold. The report has been forwarded by the Range Forest Officer to Divisional Forest officer vide letter No.SN/9A/Offence Report/2024-2025/1623 dated 19.12.2024 along with photographs of the site in question. Cover letter of Range Forest Officer dated 19.12.2024 along with Report of the Beat Officer dated 19.12.2024 are annexed herewith and marked as **ANNEXURE R-4/6** and **ANNEXURE R-4/7** respectively.
15. That it is most respectfully submitted that till the project proponent complies with all the conditions of the Consent to Establish and the directions issued by the MSPCB dated 12.09.2024 and 03.10.2024 and the order of the court of competent jurisdiction on the Offence Report No. SN/11 dated 14.12.2024 no further construction activities shall be allowed to be carried out by the project proponent.

Joint Secretary  
to the Govt. of Meghalaya  
Forest & Environment Department



16. That it is most respectfully submitted that any further or other action, as directed by this Hon'ble Tribunal shall be implemented by the State Respondent. The present proceedings may kindly be disposed of with appropriate directions.

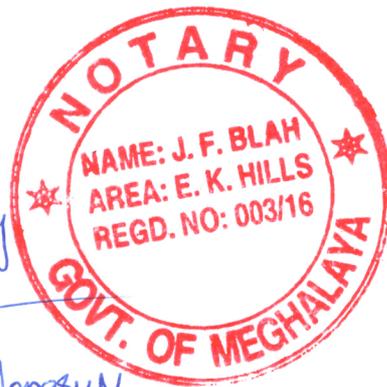
It is prayed accordingly.

**DEPONENT**  
Joint Secretary  
to the Govt. of Meghalaya  
Forest & Environment Department

**VERIFICATION:**

Verified on this 16th day of January 2025 that the content of the above affidavit is true and correct to the best of my knowledge and belief based on official records of the Government of Meghalaya and that nothing is false and nothing material is concealed therefrom.

**DEPONENT**  
Joint Secretary  
to the Govt. of Meghalaya  
Forest & Environment Department



Identified by   
Miss S.Kh. Nongrum  
(Advocate, Shillong)

SOLEMNLY AFFIRMED BEFORE ME THIS DAY  
ON \_\_\_\_\_ THE DEPONENT IS IDENTIFIED BY S. Kh. Nongrum  
I CERTIFY THAT THE CONTENTS OF THE AFFIDAVIT  
ARE READ ORDER AND EXPLAINED TO THE  
DEPONENT WHO VERIFIED THE SAME BEFORE ME  
J. F. BLAH  
NOTARY  
East Khasi Hills District  
Government of Meghalaya  
06/1/25

57  
ANNEXURE R-4/1

GOVERNMENT OF MEGHALAYA  
DEPARTMENT OF FORESTS AND ENVIRONMENT  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HoFF):  
MEGHALAYA



8

No.MFG.48/1/2003/Vol-II/18033

Dated Shillong, the 26<sup>th</sup> November, 2019.

To,

The Divisional Forest Officer,  
East Khasi Hills & Ri-Bhoi (T) Division, Shillong.

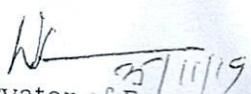
Divisional Forest Officer.  
Khasi Hills Division, Shillong  
Road. No 4026  
Date of 27-11-19.  
File No

Sub: Application for Non-Forest land Certificate for setting up of Tourism Infrastructure of Resort/Night Inn/Homestays/Residency at Umsaw Mawjriong, Dongumladew in respect of Shri. Philossopher Iawphniaw.

Ref: Letter No. KH/8/30/Pt.IV/4967, dated 06.11.2019.

With reference to the subject quoted above, I am directed to convey approval for issuance of Non-Forest Land Certificate for setting up of Tourism Infrastructure of Resort/Night Inn/Homestays/Residency at Umsaw Mawjriong, Dongumladew in respect of Shri. Philossopher Iawphniaw. The Non-Forest Land Certificate may be issued from your end subject to the clearance from the Pollution Control Board and clearance from the other Departments and also to ensure that the GPS Co-ordinates should be similar as per inspection report submitted by the Range Forest Officer as mentioned in your letter above.

This is for your information and necessary action.

  
Conservator of Forests (T)  
Khasi & Jaintia Hills  
Meghalaya, Shillong.

Memo No.MFG.48/1/2003/Vol-II/

Dated Shillong, the .....November, 2019.

Copy to:

Shri. Philossopher Iawphniaw, Mawryngkang, East Khasi Hills District for information.

Conservator of Forests (T)  
Khasi & Jaintia Hills

MK/-  
Sylvan House, Lower Lachumiere  
Shillong 793001

Phone:

## ANNEXURE R-4/1

GOVERNMENT OF MEGHALAYA  
THE DEPARTMENT OF FORESTS AND ENVIRONMENT

OFFICE OF  
THE DIVISIONAL FOREST OFFICER:: EAST KHASI HILLS & RI-BHOI (T) DIVISION::  
SHILLONG



9

Dated Shillong, the 27<sup>th</sup> / NOV / 2019

No.KH/8/30/Pt-VI/ 5368,

To,

Shri. Philosopher lawphniaw,  
Mawrynkang, East Khasi Hills District.

Subj: Non-Forest Land Certificate for setting up of Tourism Infrastructure of Resort/Night Inn/Homestays/Residency at Umsaw Mawjriong of Dongumladew in respect of Shri. Philosopher lawphniaw.

Ref: Letter No. OSLR/TGCR/2019/03, dt. 09.10.2019.

Sir,

With reference to the above, I am directed to inform you that the land located at Umsaw Mawjriong of Dongumladew proposed for setting up of Tourism Infrastructure of Resort/Night Inn/Homestays/Residency in respect of Shri. Philosopher lawphniaw is a Non-Forest Land as per of The Meghalaya Forest Regulation (Amendment) Act, 2012. The GPS reading of the proposed site are:

N 25° 39' 23.32" E 091° 54' 02.27"	N 25° 39' 21.70" E 091° 54' 02.58"
N 25° 39' 22.36" E 091° 54' 00.96"	N 25° 39' 20.07" E 091° 53' 57.24"
N 25° 39' 16.79" E 091° 53' 57.75"	N 25° 39' 16.75" E 091° 53' 57.95"
N 25° 39' 15.60" E 091° 53' 57.98"	N 25° 39' 14.89" E 091° 53' 59.95"
N 25° 39' 16.35" E 091° 54' 01.37"	N 25° 39' 18.38" E 091° 54' 02.52"
N 25° 39' 20.23" E 091° 54' 04.53"	N 25° 39' 21.24" E 091° 54' 02.89"
N 25° 39' 21.53" E 091° 54' 02.80"	N 25° 39' 23.18" E 091° 54' 03.03"

Hence, I hereby issue Non-Forest Land certificate for the said purpose.

This is for your kind information and necessary action.



Yours faithfully,

(Shri. T. Wanniang, IFS),  
Divisional Forest Officer,  
East Khasi Hills & Ri-Bhoi (T) Division,  
Shillong.

Dated Shillong, the 27<sup>th</sup> / NOV / 2019

Memo No.KH/8/30/Pt-VI/

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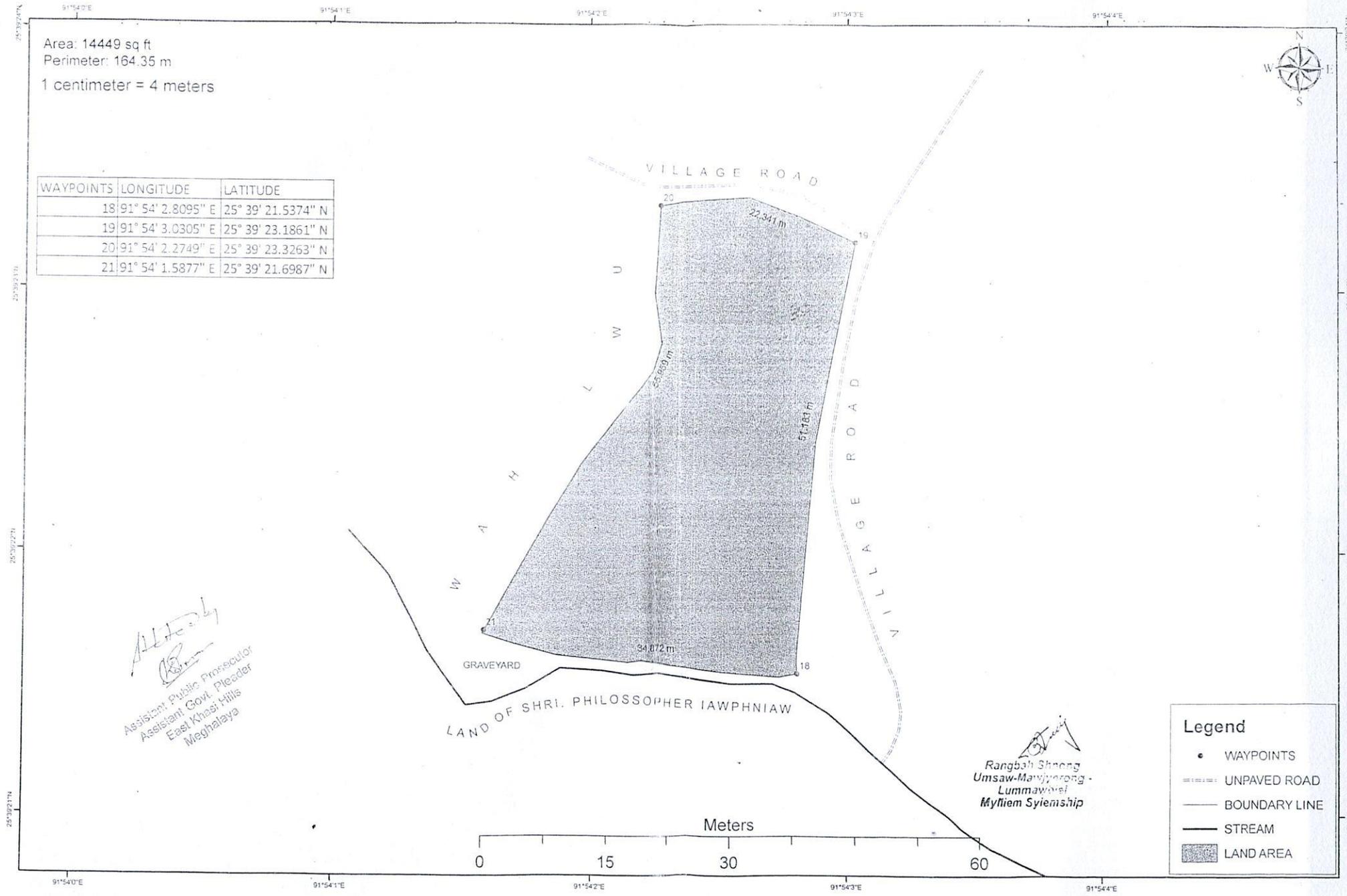
1. The Conservator of Forest (T) Meghalaya Shillong for information. This has a reference to your letter No. MFG.48/1/2003/Vol-II/18033, dt. 26.11.2019.
2. The Range Forest officer i/c Shillong North Range for information and necessary action. This has a reference to your letter No.SN/75/NOC-EFC/2019-20/863, dt. 24.10.2019.

Divisional Forest Officer,  
East Khasi Hills & Ri-Bhoi (T) Division,  
Shillong.

MAP SHOWING LAND OF SHRI. PHILOSSOPHER IAWPHNIAW, AT UMSAW MAWJYNRONG, EAST KHASI HILLS DISTRICT, MEGHALAYA

Area: 14449 sq ft  
 Perimeter: 164.35 m  
 1 centimeter = 4 meters

WAYPOINTS	LONGITUDE	LATITUDE
18	91° 54' 2.8095" E	25° 39' 21.5374" N
19	91° 54' 3.0305" E	25° 39' 23.1861" N
20	91° 54' 2.2749" E	25° 39' 23.3263" N
21	91° 54' 1.5877" E	25° 39' 21.6987" N



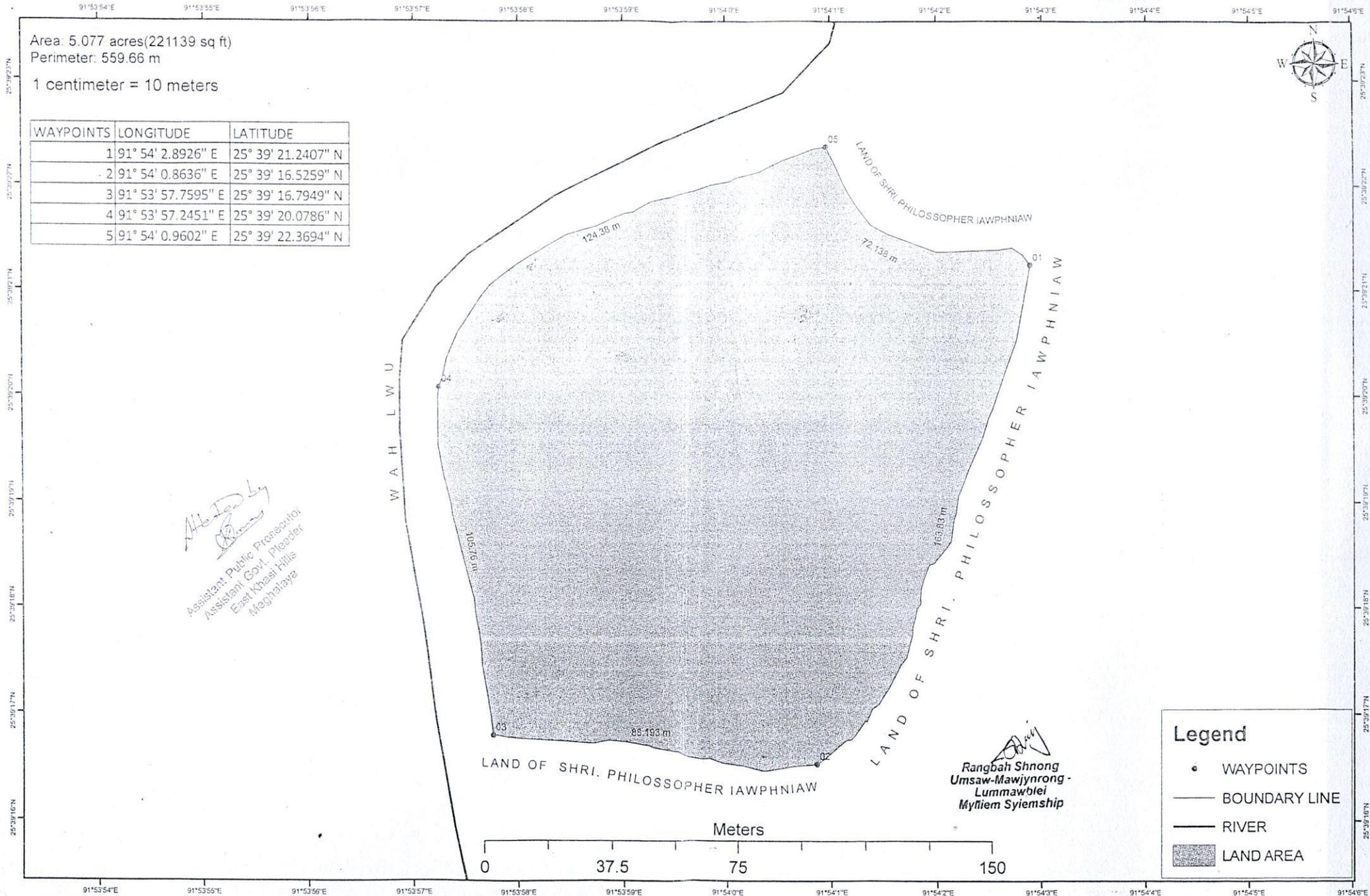
*Handwritten signature*  
 Assistant Public Prosecutor  
 Assesitant Govt. Pleader  
 East Khasi Hills  
 Meghalaya

*Handwritten signature*  
 Rangbah Shnong  
 Umsaw-Mawjynrong -  
 Lummawoi  
 Myliem Syiemship

**Legend**

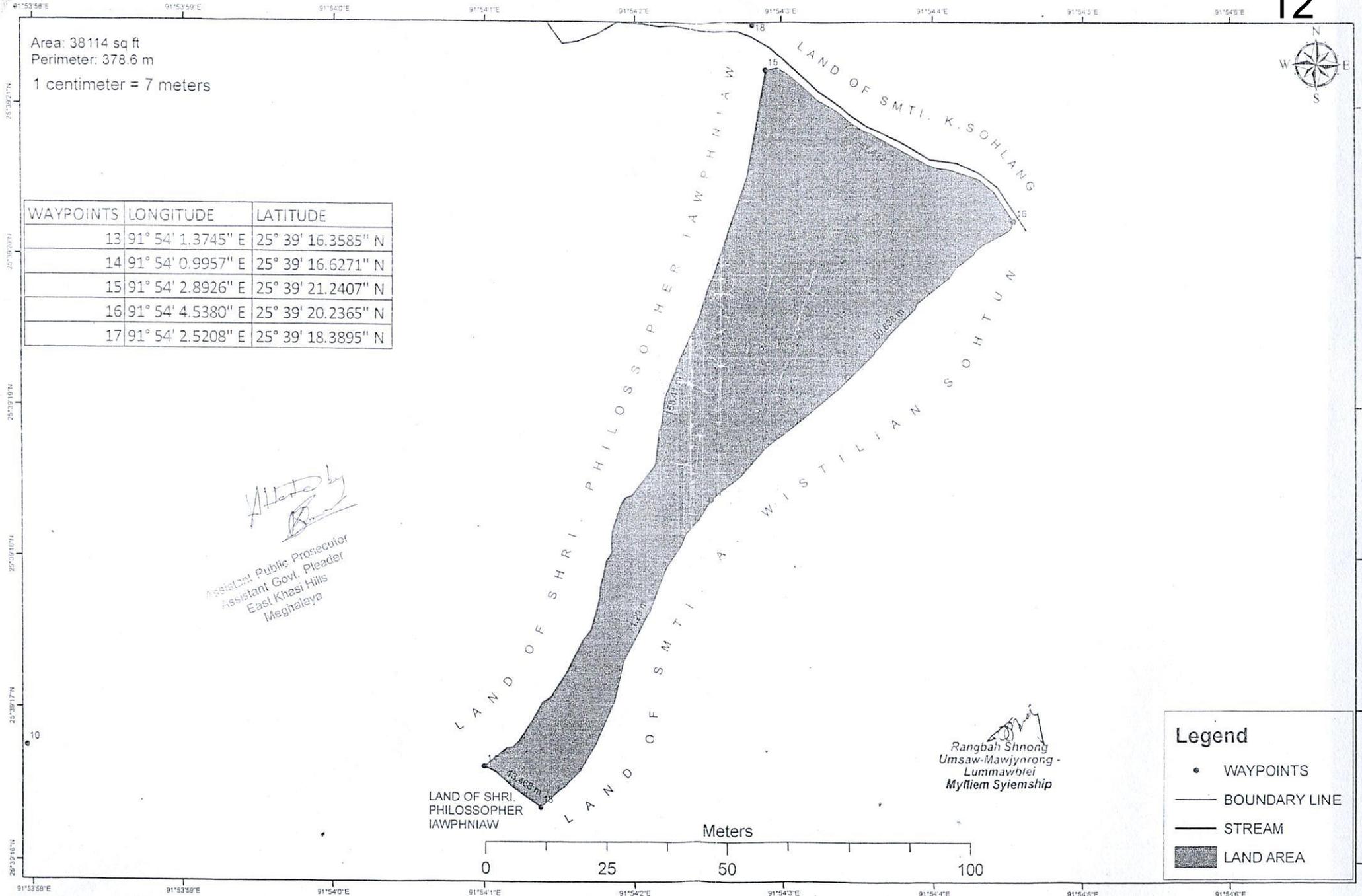
- WAYPOINTS
- UNPAVED ROAD
- BOUNDARY LINE
- STREAM
- LAND AREA

MAP SHOWING LAND OF SHRI. PHILOSSOPHER IAWPHNIAW, AT UMSAW MAWJYNRONG, EAST KHASI HILLS DISTRICT, MEGHALAYA



*Alfredy*  
Assistant Public Prosecutor  
Assistant Govt. Pleader  
East Khasi Hills  
Meghalaya

MAP SHOWING LAND OF SHRI. PHILOSSOPHER IAWPHNIAW, AT UMSAW MAWJYNRONG, EAST KHASI HILLS DISTRICT, MEGHALAYA





# ANNEXURE R-4/3

13

GOVERNMENT OF MEGHALAYA  
DEPARTMENT OF FORESTS & ENVIRONMENT  
OFFICE OF THE DIVISIONAL FOREST OFFICER: EAST KHASI HILLS  
RIBHOI TERRITORIAL DIVISION: SHILLONG



No. KH/1/235/RBD/ 4289

Dated Shillong, the 13<sup>th</sup> Dec, 2024.

To,

The Range Forest Officer,  
I/c Shillong North Range Shillong.

Sub: *News item titled "Soil dumping: Umiam river cries for help" Appearing in the Shillongtimes.com dated 26.05.2024 Versus Meghalaya Pollution Control Board & Ors.*

With reference to the subject cited above, I am enclosing herewith the letter No.MFG/NGT/O.A.No.158/2024/EZ/11,597 dated 26.11.2024 received from the Addl. Principal Chief Conservator of Forests (Schemes, Budget, Forest Laws & Court Matters) Meghalaya, Shillong for favour of your perusal. In this regard, you are hereby directed cause inspection take necessary action if any illegalities detected and to submit a report for onward necessary action from this end.

This is for favour of your information and necessary action.

Enclosed : As above

ok

  
**Divisional Forest officer**  
East Khasi Hills & Ri – Bhoi (T) Division,  
Shillong.

## ANNEXURE R-4/4

Meghalaya Schedule L (Part I), Form No. 32

## FOREST DEPARTMENT, MEGHALAYA

14

East Khasi Hills &amp; Ri-Bhei (T) DIVISION

OFFENCE REPORT No. SN/ 11 Dated 14<sup>th</sup> Dec, 2024Shillong North } REVENUE STATION  
RANGE

## NATURE OF THE OFFENCE

Illegal earth cuttingDate and hour of detection 14<sup>th</sup> December, 2024 @ 10.00 A.M.Place of occurrence Musaw, Mawjymong, Dzunguladeu, East Khasi Hills DistrictBy whom detected ACF (P) D/O the D.F.O, East Khasi Hills & Ri-Bhei (T) Division Shillong along with the R.F.O. Shillong North Range, Shillong and B.O I/c Short-Round Forest-BeatREFERENCE TO SECTIONS OF THE FOREST ACT  
MEGHALAYA FOREST REGULATION

(To be filled in by the Divisional Forest Officer)

Sub Section 1 of Section 4 and Section 21 of Mines and Mineral (Development and Regulation)Act 1957, Violation of the Hon'ble High Court of Meghalaya order NO WP(C) NO. 140/2014dt - 30<sup>th</sup> June, 2015, Violation of Hon'ble National Green Tribunal contained in orderdt - 14/10/2020 and 29/10/2020

## NAMES OF ACCUSED

Name	Father's Name	Place of Residence		
		Village	Thana	District
<u>Shri. Philosopher Iawphniaw</u>	<u>(L) Trausly Mangsiij</u>	<u>Musaw Dzunguladeu</u>	<u>Mawlai</u>	<u>East-Khasi Hills</u>

## NAMES OF WITNESS

<u>Shri. Sheunphang Kharsyemlieh</u>	<u>Shri. Klaster Lynamsiej</u>	<u>Mawlai Mawch</u>	<u>Mawlai</u>	<u>East-Khasi Hills</u>
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(Full Report of facts Overleaf)

a statement- na u shi-philossopher iacophuiaw

Nga u philossopher iacophuiaw u than jag u (1) T. Nongshiej ba shay ka unsaw dang umladedo police station Mawba post-offie Mawtawar nga ai kawe ka jingpyeshei myla ka suji 14<sup>th</sup> taik December 2024. ba nga la thih ia ka side jag u leun kaba lag katkam ba la thuo da ki brice jag ka forest-department-

Kenne: Height 12ft.

legth 270ft.

width 57ft.

kawe ka jaka ka di ha unsaw mawjyuraw dang umladedo. Nga la leh ia kawe ka land development- khaw da kit ia u khjudeu shaber bad nga la pydukam ka kaba siang hi thape ha ka juh ka jaka. Ja kawe nga la leh thabor ka jingyulip ba dei bar da shem permission bad ia kawe ka kam nga leh leh uaduh u suem 2017. bad myla u suem 2024 nga lah dep pyicy kut ia ka iingbaroh kawci. nga dang lip myla ka 14<sup>th</sup> taik December 24. ba ia ka land development- rah (minor land development). hap ban da shem permission. Ha kaba iadei bad ka jaka baroh kawci nga la shua ia ki uola bad ka relainey wall khuang ba ka wah kau yu jakhia, bad nga kulaw rah kau yu pyjakhia ia ka wah da kaba yu shua concrete kut ia ki uola baroh khuang bar kiel na kawo kawo ka jingaloh jng ka wah. Ja kawe ka statement- nga ai hopdy ka jingyulip lip blei bad ka mel bo kait ba khich.

*[Signature]*  
shi-philossopher iacophuiaw

This statement is recorded  
by shi. back Decme by Raga.

*[Signature]*  
14/12/24.

witness: Shomphang Kharsyenleh - *[Signature]*

STATEMENT OF THE OFFENDER SHRI PHILOSOPHER IAWPHNIAW

I, Shri Philosopher Iawphniaw, son of (L) T. Nongsiej, a resident of Umsaw Dongladew, under Mawlai Police station, Post Office - Mawlai Mawtawar, East Khasi Hills District. I am giving this clarification that on the date the 14<sup>th</sup> Dec., 2024, I am accepting the fact that I have cut the side of the hill, the measurement of the cutting measured by the Forest Department is as follow:-

Height-12 ft

Length – 270 ft

Breadth – 54 ft.

The place of occurrence at Umsaw, Mawjynrong Dongumladew

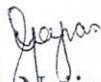
I have done Land development in this area, but it is to be noted that the soil from this earth cutting has not been transported anywhere, but utilize this very soil in leveling my land.

I have done this exercise without knowing that it requires permission from Forest Department for carrying out earth cutting for land development. This exercise was carried out since the year 2017 and it is today only the 14<sup>th</sup> December, 2024 after I have constructed the building I find out that I require permission for land Development.

It is also to be noted that I have constructed retaining walls and drains all over to prevent polluting the water. I also promise to construct concrete drains to prevent water pollution.

This statement I have given it with a sound mind and without duress.

Translated to English by

  
Smt. Y. Najiar, FR  
Range Forest Officer  
Shillong North Range  
Shillong

ament valuation of the earth cutting illegally extracted by Shri Philosopher Iawphniaw Umsaw,  
Mawjynrong, Dongumladew, East Khasi Hills District.  
G.P.S Coordinate are N25°39'20.45" E 091°54'04.05" & N25°39'17.90" E 091°54'02.98"

Sl. no.	Height (in M)	Length (in M)	Breadth (in M)	volume in M <sup>3</sup>	Rate per M <sup>3</sup>	Total amount in (Rs.)	Remark
1	2	3	4	5	6	7	8
1	3.6576	82.2960	16.4592	4954.315	110.000	544974.70	
					Say	544975	

Rupees (Five lakh forty four thousand nine hundred seventy five) only

Submitted



Beat Forest Officer  
Short Round Forest Beat  
Shillong.

F. D. Form No. 31

To,

The Hon'ble Courts  
 District & Session judge  
 Shillong, East Khasi Hills District

Sir,

I have the honour to report that this day the 14<sup>th</sup> December, 2024 at around 10.00AM. offence report was drawn against Shri Philosopher Iawphniaw, S/o (L) Transly Nongsiej, R/o Umsaw, Dongumladew, Shillong, Post Office- Mawlai Mawtawar, Police Station – Mawlai, East Khasi Hills District for an offence committed in the illegal earth cutting at Umsaw, Mawjynrong, Dongumladew, East Khasi Hills District.

Punishable under section of the. { Indian Forest act, No. VII of 1878  
 Assam Forest Regulation, No. VII of 1891

1. Sub-sections 1 of Section 4 and Section 21 of Mines And Minerals (Development And Regulation) Act, 1957
2. Violation of the Hon'ble High Court of Meghalaya Order No. WP (c) No. 140/2014 dated the 30<sup>th</sup> June 2015.
3. Violation of Hon'ble National Green Tribunal contained in orders dated 14.10.2020 and 29.10.2020 in O. A. No. 48/2019 (EZ).

and I have reported the matter to the Divisional Forest Officer.

2. The offender agree to compound the offence and I am awaiting orders from the Divisional or (Range) Officer as to the sum of money he will accept as compensation.

Yours faithfully

Copy submitted to the Divisional Forest Officer, East Khasi Hills & Ri- Bhoi (T) Division, Meghalaya, Shillong with the Report No. SN/11 Dated 14<sup>th</sup> December, 2024.

Dated Shillong  
 The 16<sup>th</sup> Dec., 2024

  
 Range Forest officer  
 Shillong North Range  
 Shillong

FOREST DEPARTMENT OF MEGHALAYA  
APPLICATION FOR ISSUE OF PROCESS

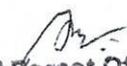
CASE STATE VS Shri Philosopher Iawphniaw, of Umsaw, Dongumladew, Shillong.  
Post Office- Mawlai Mawtawar, Police Station : Mawlai,  
East Khasi Hills District.

Memo No. \_\_\_\_\_ dated Shillong, the \_\_\_\_<sup>th</sup> Dec., 2024.

Forwarding to the Hon'ble Court, O/o District & Session Judge Shillong.

With offence report No. SN/11 dated Shillong, the 14<sup>th</sup> Dec., 2024.

For compliance.

  
Divisional Forest Officer  
East Khasi Hills  
East Khasi Hills & Ri- Bhoi (T) Division  
Shillong  
B. Bhoi (T) Division  
Shillong



**ANNEXURE R-4/6**  
GOVERNMENT OF MEGHALAYA  
THE DEPARTMENT OF FORESTS AND ENVIRONMENT  
OFFICE OF THE RANGE FOREST OFFICER :: SHILLONG NORTH RANGE  
EAST KHASI HILLS & RI - BHOI (T) DIVISION :: MEGHALAYA :: SHILLONG.

20

No. SN/9A/Offence Report/2024-2025/ 1623

Dated Shillong, the 19<sup>th</sup> Dec., 2024.

To,

✓ The Divisional Forest Officer  
East Khasi Hills & Ri- Bhoi (T) Division  
Shillong.

Divisional Forest Officer.  
Khas. Hills Division, Shillong

Regd. No 4730

Date of 20/12/24

File No

Sub:- Illegal earth cutting at Umsaw, Mawjynrong, Dongumladew, East Khasi Hills District by Shri Philosopher Iawphniaw.

Ref:- This office letter No. SN/9A/Offence Report/2024-2025/1605 Dated Shillong, the 16<sup>th</sup> Dec., 2024

Sir,

Incontinuation to the subject and letter No. in the reference, I have the honour to submit herewith the report from the Beat Forest Officer, I/c Short Round Forest Beat vide letter No. SRF/10/Misc./2024-2025/65 Dated Shillong, the 19<sup>th</sup> Dec., 2024 regarding the illegal earth cutting at Umsaw, Mawjynrong, Dongumladew, East Khasi Hills District by Shri Philosopher Iawphniaw, S/o (L) Transly Nongsiej, R/o Umsaw, Dongumladew, Shillong.

As per the report submitted by the concerned Beat Forest Officer staff, he had met the Rangbah Shnong of Umsaw Mawjynrong at his chamber on the 17<sup>th</sup> December, 2024 to inquire about any documents issued by the Dorbar Shnong to the land owner for construction of the said Resort at Umsaw, Dongumladew in East khasi Hills District, during the interaction with him, he informed that the previous Rangbah Shnong had issued the NOC for construction of the Resort as requested by the land owner Shri Philosopher Iawphniaw during the month of December, 2019 and told that the copy of the NOC along with the copy of the agreement between the Dorbar Shnong and the Land owner will be provided to this office after discussion with the Secretary Shnong/Executive committee, however he declined to give any statement in written. Then today itself the 19<sup>th</sup> Dec., 2024 the Rangbah Shnong sent both the copy to the undersigned through Whatapp message (Both copies are enclosed herewith).

Moreover, he inform that spot enquiry has been conducted on the 18<sup>th</sup> Dec., 2024 at around 1.30 PM at the construction site at Umsaw, Dongumladew in East khasi Hills District in the presence of the land owner Shri Philosopher Iawphniaw. The following points are the fact observed during his spot inspection:-

1. The said construction under the name of M/s Oriental Star Luxury Resort and the site lies adjacent to a river (Umshing river). However, at the time of the inspection all the construction activities was found to be on hold.

2. Large amounts of soil and boulders have been dumped along the stretch of the riverbank. The dumped materials are nearly at the edge of the river.

3. A retaining wall measuring about 8.40 M in length and 3.30 M in Height was the only retaining wall found constructed along the entire stretch of the river bank GPS location of the said retaining wall is 25°39'23.89"N, 091°54'00.41".

Cont. next page.

4. Culvert drainage was found constructing at the GPS location 25°39'22.24"N, 91°54'1.32"E (about 62 meters from the river) but presently is at halt and there is no other drainage system was found in other part of the construction site. While some concrete pipes were seen at the site and they had not been installed yet.

Moreover, I would like to inform you that during the interaction made with the nearby resident, it has been informed that the main reason that change the water of the river into red colour during rainy season might be due to the upcoming construction of PWD road and other earth cutting activities at the upper part of the region and not actually from the said construction i.e construction of Oriental Star Luxury Resort.

This is for favour of your kind information and necessary action.

Yours faithfully

Encl:- As stated

  
Range Forest Officer,  
i/c Shillong North Range,  
Shillong.

Memo. No. SN/9A/Offence Report/2024-25/\_\_\_\_\_

Dated Shillong, the 19<sup>th</sup> Dec., 2024.

Copy to :-

1. Beat Forest Officer, i/c Short Round Forest Beat for information.

1  
Range Forest Officer,  
i/c Shillong North Range,  
Shillong.

OFFICE OF THE BEAT FOREST OFFICER, SHORT ROUND FOREST BEAT SHILLONG.  
UNDER RANGE FOREST OFFICER, SHILLONG NORTH RANGE  
SHILLONG:::MEGHALAYA.

No. SRF/10/Misc./2024-2025/65

Dated Shillong, the 19<sup>th</sup> Dec., 2024.

To,

The Range Forest Officer,  
I/c Shillong North Range,  
Shillong.

Sub:- Illegal earth cutting at Umsaw, Mawjynrong, Dongumladew, East Khasi Hills District by Shri Philosopher Iawphniaw

Madam,

With reference to the subject cited above and as per your verbal direction, I am to inform you that the undersigned and staff had met the Rangbah Shnong of Umsaw Mawjynrong at his chamber on the 17<sup>th</sup> December, 2024 to inquire about any documents issued by the Dorbar Shnong to the land owner for construction of the said Resort at Umsaw, Dongumladew in East Khasi Hills District, during the interaction with him, he informed that the previous Rangbah Shnong had issued the NOC for construction of the Resort as requested by the land owner Shri Philosopher Iawphniaw during the month of December, 2019 and told that the copy of the NOC along with the copy of the agreement between the Dorbar Shnong and the Land owner will be provided to this office after discussion with the Secretary Shnong/Executive committee, however he declined to give any statement in written. Then today itself the 19<sup>th</sup> Dec., 2024 the Rangbah Shnong sent both the copy to the undersigned through Whatapp message (Both copies are enclosed herewith).

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4. Culvert drainage was found constructing at the GPS location 25°39'22.24"N, 91°54'1.32"E (about 62 meters from the river) but presently is at halt and there is no other drainage system was found in other part of the construction site. While some concrete pipes were seen at the site and they had not been installed yet.

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This is for favour of your kind information and necessary action.

Yours faithfully

Encl:- 1. As stated

2. Photographs and video in soft copy

3. Ariel view year 2017, 2018, 2019 & 2020. 2024



Beat Forest Officer,  
Short Round Forest Beat,  
Shillong.

SHILLONG DISTRICT MUNICIPALITY - PLUMMAWBLEI  
 SHILLONG DISTRICT MUNICIPALITY - PLUMMAWBLEI  
 SHILLONG DISTRICT MUNICIPALITY - PLUMMAWBLEI

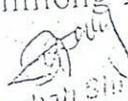
Act 2007 of the Administration of Myittha, Shillong, Meghalaya (Shillong District Municipalities Act, 2007)  
 of the Administration of Myittha, Shillong, Meghalaya (Shillong District Municipalities Act, 2007)

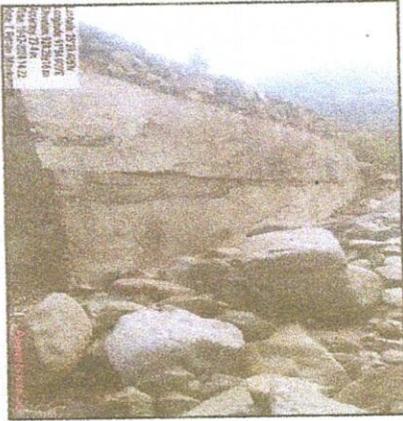
Date: 10.01.2019

### No-Objection Certificate

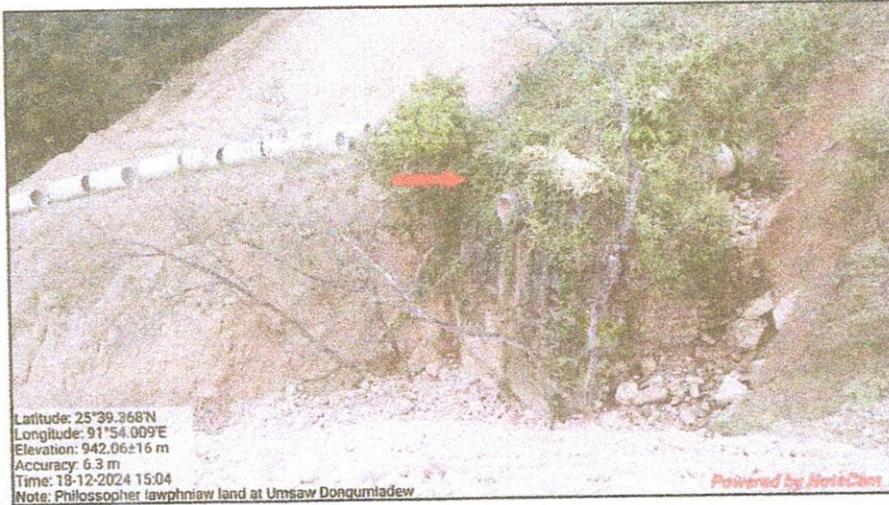
The undersigned has no-objection to Shri. Philosopher Jawphniaw for the purpose to setup the Tourism infrastructure of Resort / Night Inn / Homestays / Residency etc. situated at Umsaw Majynrong of Dongumladew Shillong-22. He will set up this business in the name / firm of ORIENT STAR LUXURY RESORT, travel group, business, cum restaurant, etc. Umladew, Shillong-793022 according to the rule and regulation of the above Resort of his own Plot of land provided that he will be abide the term and condition of the Local Dorbar Shnong.

Headman  
 Umsaw Mawhynrong- Plummawblei  
 Shillong-22

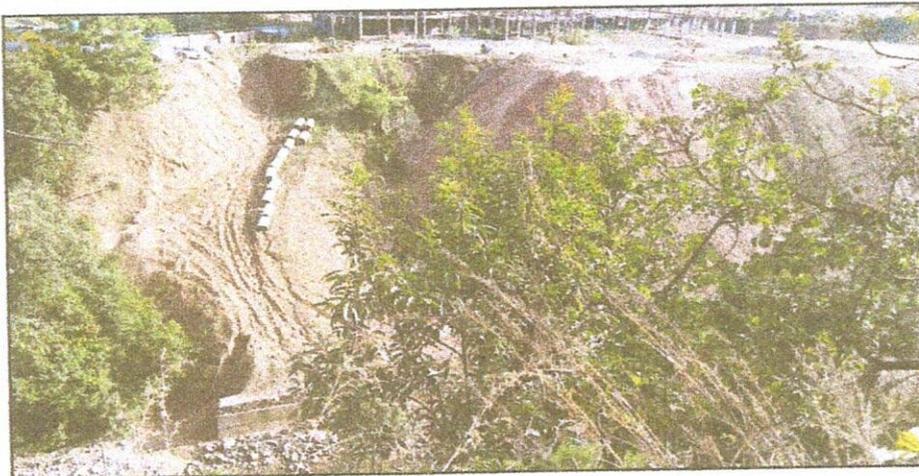
  
 Rangbah Shillong  
 Umsaw Mawhynrong -  
 Plummawblei  
 Myittha Shillong



Photographs of retaining wall



Photographs of Culvert drain



Photographs of earth dumping area and Concrete pipe

Submitted

Beat Forest Officer,  
Short Round Forest Beat,  
Shillong.



Avijit Mani Tripathi &lt;avijitmani@gmail.com&gt;

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**O.A. No.158/2024 (EZ)- Reply of Resp. No.4- State of Meghalaya**

1 message

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**Avijit Mani Tripathi** <avijitmani@gmail.com>

18 January 2025 at 11:06

To: enatoli sema &lt;enatoli@gmail.com&gt;, Surendra Kumar &lt;surendra\_kr15@rediffmail.com&gt;, Anamika Pandey &lt;legumjure@gmail.com&gt;

Ma'am/Sir,

PFA the service of advance copy of the reply to be filed on behalf of Resp. No.4- State of Meghalaya in the subject case, listed next on 20.01.2025.

Regards,

Avijit Mani Tripathi

Advocate on Record

Supreme Court of India

B 17, Fourth Floor, Jangpura Extension

New Delhi-110014

Ph.011-43582788, 9958537705

**OA 158 2024 Final Affidavit Meghalaya.pdf**

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