



Serial No.04
Weekly List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.13/2022

Date of Order: 03.12.2024

1. Shri Kaustav Paul Petitioner
Vs.

1. State of Meghalaya represented by the Commissioner and Secretary to the Govt. of Meghalaya, Forest Department, Shillong, Meghalaya.
2. The Chief Conservator of Forests, Govt. of Meghalaya, Forest & Environment Department, Meghalaya.
3. Divisional Forest Officer, khasi Hills Division, Govt. of Meghalaya Forest & Environment Department, East Khasi Hills District, Meghalaya.
4. Deputy Commissioner, East Khasi Hills District, Meghalaya.
5. Chief Executive Officer, Shillong Municipal Board, Shillong, East Khasi Hills District, Meghalaya.
6. Chief Executive Officer, Cantonment Board, Shillong, East Khasi Hills District, Meghalaya.
7. Chief Engineer, Public Works Department (Road) Govt. of Meghalaya, Shillong.
8. Director, National Highway Authorities of India (NHAI).
9. National Highways and Infrastructure Development Corporation Ltd. (NHIDCL) Respondents

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge



Appearance:

For the Petitioner	: Ms. K. Decruse, Adv with Mr. B. Snaitang, Adv
For the Respondents	: Mr. A. Kumar, Advocate General with Mr. K. Khan, AAG Ms. A. Thungwa, GA Mr. J.N. Rynjah, GA Mr. R. Pahsyntiew, Adv vice Mr. Philemon Nongbri, Adv for R/5 Dr. N. Mozika, DSGI with Ms. L.M.D. Marak, Adv for R/9

-
- | | | |
|-----|--|-----|
| i) | Whether approved for reporting in Law journals etc.: | No |
| ii) | Whether approved for publication in press: | Yes |

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

In this public interest litigation (PIL) an order was sought from this Court to prevent felling of 103 trees, stated to be of great value, while building the National Highway, from Shillong to Dawki near the border of Bangladesh.

Accordingly, by an order dated 7th November, 2024, we had called for a joint report from the National Highways and Infrastructure



Development Corporation Limited (NHIDCL) and the State government for their proposal for afforestation in the area around the “first package” (part) of the highway.

It was not pointed out to us at that time that the 103 trees had already been felled by the authorities.

Today, Dr. N. Mozika, learned DSGI appearing for the NHIDCL took us through the affidavit affirmed on 2nd December, 2024 by his client, the relevant paragraphs of which are inserted below:

“6. That, accordingly, NHIDCL had acquired 16.107 hectares of land at Nongumiang Village, West Khasi Hills district, Meghalaya at a total cost of Rs. 1,98,43,824/- after obtaining due sanction from the Government of Meghalaya dated 03.02.2021 and thereafter handed over the same to the Divisional Forest Officer, Social Forestry and territorial Division, West & South Khasi Hills, Meghalaya on 25.02.2021 vide Certificate of Handing Possession of Land dated 25.02.2021 for compulsory afforestation.

7. That thereafter, NHIDCL has also paid a total amount of Rs. 3,87,11,297/- to the CAMPA Fund (Compulsory Afforestation Management and Planning Authority Fund) through the Divisional Forest Officer, East Khasi Hills & Ri Bhoi (T) towards the Cost of Compulsory Afforestation over the said 16.107 hectares of land, Cost for NPV, Cost for raising avenue plantation and Cost of soil and moisture conservation structures on 19. 05. 2020 and 07.08.2020

Dr. N. Mozika submitted that the highway is in five packages or parts and that some obstruction was being faced while continuing the construction.



Learned Advocate General intervened and said that all steps had been taken to facilitate the construction. Land had been duly acquired and handed over to NHIDCL. In spite of that, some elements were obstructing the construction and had also filed cases in Court.

In view of the above, we dispose of this PIL by passing the following order:

(i) We direct that the respondents shall jointly and severally ensure that the afforestation work referred to in the above paragraphs of the affidavit of the NHIDCL is strictly carried out.

(ii) Construction of the highway, which is of the paramount importance for the welfare of the State the completion of which is long overdue is to proceed with expedition, complying with the earlier interim orders of this Court in this litigation and in accordance with law, and completed as early as possible.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice