

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC (PIL) No. 5 of 2025 in
PIL No. 2 of 2024

Date of Order: 17.11.2025

State of Meghalaya & Ors.

Vs.

Ms. Geraldine G. Shabong

Coram:

Hon’ble Mr. Justice H. S. Thangkhiew, Judge
Hon’ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Applicant(s) : Mr. A. Kumar, AG with
Ms. R. Colney, GA

For the Respondent(s) : Mr. S. Chanda, Adv. with
Ms. B.F. Kharwanlang, Adv.
Ms. S. Khatun, Adv.

Per. H.S. Thangkhiew, Judge:

1. This is an application for modification of the order dated 09.04.2025, passed by this Court in the main petition. The reasons as set out for seeking modification are that the directions contained in the order dated 09.04.2025 calling for the constitution of a committee to deal with applications for felling of trees and further the suspension of pending



applications mentioned in the Report dated 09.04.2025 were counterproductive to larger public interest, inasmuch as, several projects with external funding which are in the pipeline have been stalled. The projects in question are in Eco-tourism infrastructure development, Agri-based livelihood development etc., which were timebound and involved financial liabilities.

2. Apart from the above noted aspect, it has also been contended that Acts and Rules are already in place, namely the ***Meghalaya Tree (Preservation) Act, 1976*** and the Rules framed thereunder, which comprehensively regulate the process of granting or refusing permission for felling of trees with all necessary safeguards and procedures in place with respect to the Municipality and Cantonment areas of Shillong. It has further been pointed out, that as per the directions contained in the order dated 12.05.2001, passed in the case of ***T.N. Godavarman Thirumulpad vs. Union of India & Ors.*** reported in ***(2007) 15 SCC 283***, wherein the Supreme Court had directed that felling of trees from forests shall be only in accordance with working plans/schemes or felling schemes, approved by the Ministry of Environment, and also directed for guidelines to be framed for felling of trees from non-forest areas, the State Government had framed the ***Meghalaya Tree Felling (Non-Forest Areas) Rules, 2006***



detailing the entire procedure. Added to this measure, it has been submitted that a Standing Operating Procedure (SOP) in this regard, has been put in place which details the entire process for felling of trees in non-Forest areas including the requisite mandatory requirements, such as documentation, inspection etc. It has lastly been submitted though a Committee as directed by this Court can be said to complement the mechanism already in place, the same however has led to great difficulty and hardship on account of all tree felling work being stalled in the State, as even for felling one tree permission of the committee is required which is already seized with heavy administrative works. As such, it has been prayed that the order dated 09.04.2025 be suitably modified.

3. In reply, Mr. S. Chanda, learned counsel for the writ petitioner has relied upon the objections filed and submits that no ground has been made out for modifying the order dated 09.04.2025. He submits that no satisfactory reasons have been enumerated by the applicant to seek exemption from obtaining permission from the said committee, nor anything shown that there has been undue delay in grant of such permission. It is further submitted that the applicant cannot in anticipation, raise an issue of the process as ordered by this Court, to be an impediment



to development works, especially when the creation of such a committee is not against any law or rules in that regard.

4. The learned counsel has also submitted that it is not understood as to what prevented the applicant from approaching this Court earlier for modification of the order, and that after acting in terms of the order dated 09.04.2025, cannot now turn around and seek modification of the same. The directions in the order dated 09.04.2025, he submits are in addition to the directions passed by the Supreme Court and the same is not in derogation thereof. He therefore, prays that the application be not entertained and the same be dismissed.

5. We have heard the learned counsel for the parties and also examined the grounds as well as the legal position as set forth. What strikes this Court at the first instance is as to why the mechanism i.e. the prevalent Acts and Rules as well as the ‘Meghalaya Tree Felling (Non-Forest Areas) Rules, 2006’ and the SOP, which were on the specific directions of the Supreme Court and already in force, not presented to show that adequate safeguards already existed. Further, the order dated 09.04.2025, also does not reflect that the State respondents had raised concerns with regard to the impending projects and the impact on public interest the order would have. It is noted that this Court had also observed that the order “*very necessarily*



does not cover any case where the Central Government has accorded permission for forest clearance”. It thus appears that the State respondents were not diligent enough to pursue the matter in the right perspective, which has inevitably perhaps, resulted in the instant application.

6. This Bench has carefully considered the entire facts and circumstances and also notes that what started as a public interest litigation limited to illegal or irregular felling of trees around Lower New Colony area, Laitumkhrah has expanded to cover the entire East Khasi Hills District or rather the State. No doubt, the felling of trees or any other environmental issue, deserves serious consideration by Courts on the same being reported to have been done without due process, or in an irregular and illegal manner, and it is incumbent upon the Courts to step in, in public interest, to protect the environment and ensure the Rule of Law.

7. In the instant case, it is noted as a mechanism is already in place in the form of prevailing Acts and Rules, as well as the orders of the Supreme Court in this regard, which sufficiently addresses the issue at hand, and considering the difficulties that are being faced by the State respondents as noted above, the order dated 09.04.2025 and directions contained therein therefore deserves to be revisited. Accordingly, the order dated 09.04.2205, is recalled.



8. It is however made clear that in matters of felling of trees and the obtaining of requisite permission, the State respondents are to strictly adhere to the Rules and Acts as well as the SOP before granting the same.

9. Accordingly, as ordered above, the Misc. application is hereby allowed and disposed of.

(W. Diengdoh)
Judge

(H.S. Thangkhiew)
Judge

Meghalaya
17.11.2025
"V. Lyndem PS"