Serial No. 33
Regular List
MLHC010013692025

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C)/417/2025

Date of Decision: 06-11-2026
Uploaded on: 06-11-2026

Shri. Donlang Sohkhlet
Son of (L) D.S. Sohkhlet
Aged about 50
R/o Umpling, Dong Shaneng, Block-III
Shillong – 793006, East Khasi Hills District,
Meghalaya **…Petitioner**

-Versus-

1.State of Meghalaya represented by Secretary,
Forest and Environment Department, Shillong

2.Joint Secretary, Forest and Environment
Department, Shillong

3.Under Secretary, Forest and Environment
Department, Shillong

4.The Principal Chief Conservator of Forest Head
of Forest Force (HoFF), Meghalaya, Shillong

5.Chief Conservator of Forest, Meghalaya, Shillong
…Formal Respondents

6.The Divisional Forest Officer, East Khasi Hills
and Ri-Bhoi(T) Division, Shillong, Meghalaya **…Respondent**

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) : Ms. E.B. Passah, Adv.

For the Respondent(s) : Mrs. N.G. Shylla, AAG with
Ms. I. Lyngwa, GA
Ms. Z.E. Nongkynrih, GA.

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT (ORAL):

1. The writ petitioner is before this Court with a prayer to direct the respondent No. 6 i.e. The Divisional Forest Officer, East Khasi Hills and Ri-Bhoi Territorial Division, Shillong, Meghalaya to issue an Exemption Certificate for the incidental extraction of boulder stones at the site which has been taken on lease by the petitioner situated at Amjowshrei, Jirang Syiemship, Ri-Bhoi District.

2. Ms. E.B. Passah, learned counsel on behalf of the petitioner has submitted that in preparation for the construction of a parking lot in the said area, measuring about 1.8 hectares, the petitioner had obtained NOCs from the Headman and had applied for permission for excavation. Thereafter, she submits a thorough survey including volume estimation, impact assessment, geo-referenced map and necessary clearances were obtained from the Chief Forest Officer, Khasi Hills Autonomous District

Council, and on 24.01.2024, the respondent No. 2 i.e. the Joint Secretary, to the Government of Meghalaya Forest and Environment Department, Shillong, by order dated 24.01.2024, had granted permission/ No Objection for the incidental extraction of boulder stones at the proposed site, and to this effect, an Exemption Certificate for the transportation of minor minerals under Rule 3(ii) of Meghalaya Minor Minerals Concession Rules, 2016, was allowed. However, she submits that thereafter vide order dated 13.03.2025, issued by the respondent No. 3, the respondent No. 4 was directed to keep on hold the extraction of the boulder stones, which was then followed by a subsequent order dated 20.03.2025, which she submits resulted in the revocation of the permission granted earlier. She submits that the said revocation was without issuance of any notice or providing the petitioner adequate opportunity of hearing.

3. Learned counsel further submits that the respondent No. 2, thereafter by a letter dated 28.07.2025, communicated to the respondent No. 4, the recall and cancellation of the order dated 23.03.2025, and in view of the incidental nature of the extraction, allowed the re-issuance of the Exemption Certificate, subject to the conditions contained therein. Learned counsel however submits that the respondent No. 6, by order dated 25.08.2025, did not issue the Exemption Certificate on the ground that there was no protocol or order available on the parameters given in the order dated 28.07.2025, under the Meghalaya Minor Minerals Concession

Rules, 2016, for consideration of grant of an Exemption Certificate. Learned counsel then submits that the petitioner thereafter had filed 3 representations including a legal notice, which evoked no response from the respondent No. 6. She therefore prays for appropriate directions that the prayer be reconsidered, in view of the accompanying facts and circumstances especially taking into account the earlier NOCs.

4. Mrs. N.G. Shylla, learned AAG assisted by Ms. I. Lyngwa, learned GA has placed reliance on the affidavit filed on behalf of the State respondents, and has drawn the attention of this Court to Annexure – 3, thereof, i.e. the letter dated 3rd October, 2025, which contains an inquiry report from the Assistant Conservator of Forest (P), East Khasi Hills & Ri-Bhoi (T) Division, Shillong, showing the exact nature of the site and the other requirements, which are necessary as detailed therein. The learned AAG further submits that some nearby residents had also raised concerns about the extraction.

5. This Court on perusal of the affidavit itself at Para – 10 thereof, notes that is has been stated therein, that the letter dated 28.07.2025, did not constitute a reinstatement of unconditional permission, but rather, the said order provided for a conditional reconsideration, contingent upon the petitioner's strict adherence to environmental safeguards and the directives issued by the Forest Department. On this oral observation made in Court, the learned AAG however submits that the Department is ready to re-

examine the matter, subject to the compliance of the writ petitioner to all the safeguards, as necessary.

6. On hearing the learned counsel for the parties, and also on examination of the materials, without further discussing the facts, as the same has already been portrayed by the counsel for the petitioner, in her submissions, this Court on perusal of the letter dated 28.07.2025, notes that the earlier cancellation or revocation of the Exemption Certificate, which was issued on 20.03.2025, was cancelled by this letter. However, certain conditions were given therein for satisfaction by the petitioner before the Exemption Certificate could be granted. The letter dated 25.08.2025, of the respondent No. 6, whereby exemption was not considered, has also been examined, and this Court finds that the only reason given therein, was that the terms and conditions stipulated in the letter dated 28.07.2025, do not appear under the Meghalaya Minor Minerals Concession Rules, 2016, and as such, on this premise, the exemption was not considered. Further, this Court has also noted the letter dated 3rd October, 2025, wherein a site inspection had been conducted by the Assistant Conservator of Forest (P), East Khasi Hills & Ri-Bhoi (T) Division, Shillong, and deficiencies have been recorded in the said report, with regard to the site for incidental extraction.

7. In the considered view of this Court, the consideration for grant of the Exemption Certificate, therefore will have to be strictly as per the

conditions given by the respondents, more specifically in the letter dated 3rd October, 2025, and also by taking into consideration the other necessary requirements for issuance of the Exemption Certificate. This matter is therefore disposed of by directing the respondents to re-examine the matter in its entirety, by taking into account all the relevant materials for grant of the Exemption Certificate, as discussed hereinabove.

8. It is further provided that the entire exercise be completed within a period of 2(two) months from the date of this order.

9. This writ petition accordingly stands allowed to the extent indicated above and is disposed of.

JUDGE

Meghalaya
06-11-2026
"D.Thabah-PS"

Verified
Digitally signed by: DARIHUN THABAH
Signed On: 06-11-2026 15:27:47 IST