

**Cont.Cas(C). No. 18of 2013**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

Shri H.S.Thangkhiew, Sr. Advocate, assisted by Shri N.Mozika, Advocate, present for the petitioner.

Smti. T.Yangi, Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed further 4(four) weeks' time to comply the order said to have been disobeyed and file the response/additional affidavit in the matter.

List after 4(four) weeks.

JUDGE  
(Hon'ble Mr Justice T.N.K Singh)

CHIEF JUSTICE

S.Rynjah

**CRL.A. No. 2 of 2014**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

Shri M.F.Qureshi, Advocate, present for the appellant.

Shri .K.Khan, Addl. Sr. Govt. Advocate, present for the respondents.

Heard.

This appeal is directed against the judgment and order dated 17-12-2013 passed by the learned Sessions Judge, Shillong in Sessions Case No. 9 of 2003 whereby said court has convicted the accused/appellant, Shri Tenderlywell Hynniewta under Section 302 IPC and sentenced him to imprisonment for life and directed to pay fine of ₹ 10,000/-. Accused/appellant has been further convicted under Section 201 IPC for 3 years and directed to pay fine of ₹ 2000/-, by the trial court.

Admit the appeal.

Summon the lower court record.

List after lower court record is received.

JUDGE  
(Hon'ble Mr Justice T.N.K Singh)

CHIEF JUSTICE

S.Rynjah



**PIL. No. 2 of 2011**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

Shri B.M.R Chyne, Advocate, present for the petitioners.

Shri N.D. Chullai, Sr.Govt. Advocate, present for the State-respondents.

Shri VGK Kynta, Sr. Advocate, present for the respondent No. 12.

Shri H.L.Shangreiso, Advocate, present for the respondents No. 11, 13, 14 and 15.

Registry is directed to inform respondents No. 8, 9 and 10 about the receipt of the record from the Gauhati High Court to this court.

List on 3-3-2014 for final hearing.

JUDGE  
(Hon'ble Mr Justice T.N.K Singh)

CHIEF JUSTICE

S.Rynjah



**WA. No. 45 of 2013**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

None present for the appellant.

List this appeal after 3(three) weeks for admission/orders.

JUDGE  
(Hon'ble Mr Justice T.N.K Singh)

CHIEF JUSTICE

S.Rynjah

**WA. No. 47 of 2013**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

List before another bench of which one of us (P.C.Pant, Chief Justice) is not a member.

JUDGE  
(Hon'ble Mr Justice T.N.K Singh)

CHIEF JUSTICE

S.Rynjah

**WA. No. 8 of 2011**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

Adjourned at the request of Shri. W.M.Sangma, Advocate,  
present for the petitioners.

List after 2(two) weeks.

JUDGE  
(Hon'ble Mr Justice T.N.K Singh)

CHIEF JUSTICE

S.Rynjah



**WA. No. 34 of 2010**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

Adjourned at the request of Shri. HL Shangreiso, Advocate,  
present for the appellant.

List after 2(two) weeks.

JUDGE  
(Hon'ble Mr Justice T.N.K Singh)

CHIEF JUSTICE

S.Rynjah

**WA. No. 43 of 2011**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

Adjourned at the request of Smti. H.Kristazi, Advocate,  
present for the petitioner.

List after 2(two) weeks.

**JUDGE  
(Hon'ble Mr Justice T.N.K Singh)**

**CHIEF JUSTICE**

S.Rynjah

**WP(C) . No. 76 of 2012**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

Shri S.Chakravarty, Advocate/Amicus Curiae present to assist the court in this sou-moto PIL matter.

Shri K.S.Kynjing, Advocate General assisted by Shri N.D.Chullai, Sr. Govt. Advocate, present for the State of Meghalaya.

It appears that on the basis of a newspaper report titled "MSPCB's fund-crunch theory unacceptable – CAG" published in Shillong Times dated March 25, 2012, the Division Bench of this court took sou-moto cognizance of the matter relating to water pollution in the State of Meghalaya. It is reported by the newspaper that the Meghalaya State Pollution Control Board (MSPCB) has failed to utilize the funds available to it to conduct regular monitoring of the water bodies in the state. It also reported that the CAG report discloses that there is lack of waste processing facilities in the Municipal Board. Notice was also taken of the fact as reported in the newspaper that the drinking water from three water bodies is without conventional treatment after disinfection and the same was classified as unfit for drinking. The Division Bench got the matter registered as WP(C) Sou Moto (SH) No. 76 of 2012 on 29-3-2012.

2. Subsequent to the cognizance as taken above, the Apex Court in ***Bhopal Gas Peedith Mahila Udyog Sangathan vrs Union of India (2012) 8 SCC page 326*** made the following observations:

**"40.** *Keeping in view the provisions and scheme of the National Green Tribunal Act, 2010 (for short "the NGT Act") particularly Sections 14, 29, 30 and 38(5), it can safely be concluded that the environmental issues and matters covered under the NGT Act, Schedule I should be instituted and litigated before the National Green Tribunal (for short "NGT"). Such approach may be necessary to avoid likelihood of conflict of orders between the High Courts*

*and NGT. Thus, in unambiguous terms, we direct that all the matters instituted after coming into force of the NGT Act and which are covered under the provisions of the NGT Act and/or in Schedule I to the NGT Act shall stand transferred and can be instituted only before NGT. This will help in rendering expeditious and specialised justice in the field of environment to all concerned.*

*41. We find it imperative to place on record a caution for consideration of the courts of competent jurisdiction that the cases filed and pending prior to coming into force of the NGT Act, involving questions of environmental laws and/or relating to any of the seven statutes specified in Schedule I of the NGT Act, should also be dealt with by the specialized tribunal, that is, NGT, created under the provisions of the NGT Act. The courts may be well advised to direct transfer of such cases to NGT in its discretion, as it will be in the fitness of administration of justice”.*

3. Consequently, the erstwhile Gauhati High Court issued a Notification No. 76, dated 27<sup>th</sup> September, 2012 which reads as under:

**THE GAUHATI HIGH COURT**

(HIGH COURT OF ASSAM, NAGALAND,  
MEGHALAYA, MANIPUR, TRIPURA, MIZORAM AND  
ARUNACHAL PRADESH)

**NOTIFICATION No. 76**

*Dated Guwahati, the 27<sup>th</sup> September, 2012*

*Hon'ble the Chief Justice, In view of the Order dated 09.08.2012, passed by the Hon'ble Supreme Court of India, In WP(C) No. 50 of 1998, has been pleased to direct the Registry of the Gauhati High Court (Principal Seat and the Outlying Benches) and the Subordinate Courts under its jurisdiction that henceforth no Court shall entertain any such cases involving questions of environmental laws and/or relating to any of the seven Statutes specified in Schedule I of the National Green Tribunal Act, 2010 (for short the N.G.T. Act, 2010). All such pending cases, instituted after coming into force of the N.G.T. Act, 2010 shall be transferred to the National Green Tribunal, Kolkata forthwith. The cases involving such matters, which are filed prior to coming in force of the N.G.T. Act, 2010 and are pending, may be transferred to the National Green Tribunal, Kolkata, at the*

*discretion of the respective Court, as it will be in the fitness of administration of justice.*

*By Order,*

*Sd/- H.K. Sarma,*

**REGISTRAR GENERAL**

4. By such North-Eastern Areas (Reorganisation) And Other Related Laws (Amendment) Act, 2012, this High Court was created w.e.f. 25<sup>th</sup> March, 2013 and under Section 2B-c of the Act, all pending matters of the erstwhile Gauhati High Court, pending in Shillong Bench pertaining to cause of action within territory of State of Meghalaya were entertained by the present High Court.

5. In view of the observations made by the Apex Court quoted above, in para 2, this Court is of the view that this matter deserves to be transferred to the National Green Tribunal, Kolkata as it relates to the Water (Prevention Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986 (both the Acts are mentioned in Schedule I of the NGT Act, 2010).

6. Therefore, the registry is directed to transfer the record of this case to the National Green Tribunal, Kolkata for further proceedings and disposal of the matter. We direct that Shri S.P.Mahanta, Advocate, and Shri S.Chakravarty, Advocate, who were appointed and assisted the court as amicus curiae in the matter, shall be paid ₹ 5000/- each as their professional fee by the State Government.

JUDGE  
(Hon'ble Mr Justice T.N.K Singh)

CHIEF JUSTICE

S.Rynjah

**WP(C). No. 117 of 2013**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

Shri V.K.Jindal, Sr. Advocate, assisted by Ms. QB Lamare,  
Advocate, present for the petitioner.

Smti. T.Yangi, Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed  
further 2(two) weeks' time to file counter affidavit to the affidavit filed  
with the writ petition.

List after 2(two) weeks on 17-2-2014.

JUDGE  
(Hon'ble Mr Justice T.N.K Singh)

CHIEF JUSTICE

S.Rynjah

**WP(C). No. 118 of 2013**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

Shri V.K.Jindal, Sr. Advocate, assisted by Ms. QB Lamare,  
Advocate, present for the petitioner.

Smti. T.Yangi, Advocate, present for the respondents.

Learned counsel for the respondents prays for and is allowed  
further 2(two) weeks' time to file counter affidavit to the affidavit filed  
with the writ petition.

List after 2(two) weeks on 17-2-2014.

JUDGE  
(Hon'ble Mr Justice T.N.K Singh)

CHIEF JUSTICE

S.Rynjah

**WP(C). No. 129 of 2011**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

Adjourned at the request of Shri K.P.Bhattacharjee, Advocate,  
holding brief for Shri S.C.Shyam, Sr. Advocate, present for the  
respondents.

List after 3(three) weeks.

JUDGE  
(Hon'ble Mr Justice T.N.K Singh)

CHIEF JUSTICE

S.Rynjah



**WP(C). No. 245 of 2013**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

Shri P.Nongbri, Advocate, present for the petitioner.

Shri R.Deb Nath, Advocate, CGC, present for the respondents.

Learned counsel for the respondents prays for and is allowed further 3(three) weeks' time to file the counter affidavit.

List after 3(three) weeks.

JUDGE  
(Hon'ble Mr Justice T.N.K Singh)

CHIEF JUSTICE

S.Rynjah

**WP(C). No. 262 of 2013**

**29-1-2014**

**HON'BLE THE CHIEF JUSTICE,  
and HON'BLE MR. JUSTICE T. NANDAKUMAR SINGH**

Mr. B.Deb, Advocate, present for the petitioners.

Ms. J.Pradhan, Advocate, present for the respondent.

Learned counsel for the respondent prays for and is allowed  
3(three) weeks' time to file the counter affidavit.

List after 3(three) weeks.

JUDGE  
(Hon'ble Mr Justice T.N.K Singh)

CHIEF JUSTICE

S.Rynjah