

Serial No.04 Daily List
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HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.1/2024

Date of Order :13.06.2025

Tenny Dard M. Marak

Vs.

State of Meghalaya & ors

Coram:**Hon'ble Mr. Justice I.P. Mukerji, Chief Justice****Hon'ble Mr. Justice W. Diengdoh, Judge****Appearance:**

For the Petitioner

: Dr. P. Agarwal, Adv

For the Respondents

: Mr. N. Syngkon, GA with
Mr. J.N. Rynjah, Adv

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| i) | Whether approved for reporting in Law journals etc.: | Yes/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.

This public interest litigation (PIL) is about operation of weighbridges across the State. The allegations of the petitioner in the petition as well as in those voiced by his learned counsel Dr. P. Agarwal in court is that there is absence of required number of weighbridges in many places, illegality committed by government officials at the 28 weighbridges which are said to be operational by it, including the involvement of those officials in causing overloaded goods vehicles to cross the weighment area

without weighment, with impunity. This apart from anything else has caused a loss of ₹640 crores of revenue to the government.

By our order dated 16th May, 2025, we had made a specific direction asking the petitioner to respond to a report filed by the State further to an earlier order that it had carried out inspection in 24 weighbridges and in none of them any overloaded truck was found to pass.

The petitioner has filed a response to this report. This report has been seriously challenged.

Some of the salient points taken in the rejoinder of the petitioner are (i) Total absence of weighbridges at vantage points (ii) In quite a few of them, there is no facility to weigh the load carried by the truck. It is simply done manually and, in most cases, incorrectly (iii) Goods are passing to Bangladesh without any proper weighment. The weighment facility at Dalu weighbridge located at Chaipani, Dalu can only weigh 10 wheeler trucks whereas, those entering India from Bhutan are 12 wheelers. These trucks cannot be weighed.

As far as inter-country transit is concerned between Bhutan, India and Bangladesh, learned counsel for the State submits that the goods are in transit according to the treaty between the three countries and the Indian

government cannot act except according to the terms of the treaty. They have limited powers with respect of those goods.

We are of the view that the revenue loss element is very important for this litigation.

We direct the Principal Secretary, Transport Department to properly scrutinize this response of the petitioner and file a counter affidavit in this Court by 5th July, 2025 dealing with the allegations serving a copy thereof upon the petitioner before the next date of hearing fixed. The government is to take action in terms of the said allegations, if found by it to be true.

List this PIL for further consideration on 7th July, 2025.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
13.06.2025
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