

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 1310/2020
CM No. 4086/2020 &
4087/2020 IN
CCP (S) No. 100/2021

Pronounced on : 19.12.2023

Inhabitans of Village,
Chak Jaralan Nalla,
Through
Naresh Kumar Sharma, Age 44 years,
S/o Pashori Lal Sharma,
R/o W.No. 2,
Chack Jaralan,
Tehsil Nowshera Distt. Rajouri.

..... Petitioner(s)

Through :- Mr. Gagan Basotra, Sr. Advocate with
Mr. Mohinder Kumar, Advocate.

Vs

1. UT of Jammu & Kashmir
Through Commissioner/Secretary to
Govt. Department of Industries and
Commerce, Civil Sectt.
Jammu/Srinagar.
2. Commissioner/Secretary,
Revenue Department,
Civil Sectt. Jammu/Srinagar.
3. Director Pollution Control Board,
Jammu.
4. District Commissioner,
Rajouri.
5. District Minerals Officer,
Geology and Mining Department,
Rajouri.
6. Assistant Director Fisheries,
Rajouri.
7. Additional Deputy Commissioner,
Nowshera,
District Rajouri.
8. Tehsildar, Nowshera.
9. Executive Engineer,
I & FC Department, Nowshera.

10.M/s Samta Stone Crusher,
Through its Proprietor,
Rohit Sudan,
S/o Sh. Lok Nath,
R/o Bhajwal Tehsil Sunderbani,
District Rajouri,
Panchyat Halqa Chak Jaralan,
Nala Bagnoti,
Tehsil Nowshera, District Rajouri.

.....Respondent(s)

Through :- Mr. K.D.S.Kotwal, Dy.A.G.
Ms. Sageera Jafar, Advocate vice
Ms. Monika Kohli, Sr. AAG.
Mr. Vishal Bharti, Dy.A.G.
Mr. S.S.Ahmed, Advocate with
Mr. Ajaz Chowdhary, Advocate.
Ms. Chetna Manhas, Advocate vice
Mr. Amit Gupta, AAG.

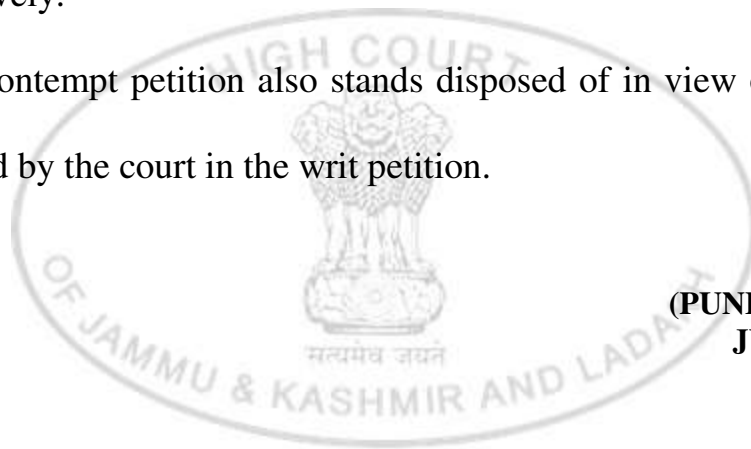
Coram: HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE

JUDGMENT

1. The petition is taken up for final consideration with the consent of learned counsel appearing for the parties.
2. The petitioners, who claim to be the inhabitants of Village Chak Jaralan Nalla, have filed the present petition in representative capacity as they are aggrieved of the Hot Mix Plant being installed by the respondent No.10 as it is submitted that the same is not in being installed as per rules and regulations meant for installing such Plant. In case the said respondent carries on with the Hot Mix Plant, the same shall be hazardous to the public residing in the area.
3. Objections have been filed by the respondents.
4. Mr. S.S.Ahmed, learned Advocate appearing for the private respondent has submitted that the respondent is ready to remove the Hot Mix Plant which according to the reports filed by the official respondents is on the

State land. The respondent shall install the Plant in his proprietary land after removing the same from the present spot regarding which the petitioners have grievance.

5. In view of what has been stated by the learned counsel for the private respondent, the petition can be **disposed of** with the direction that the private respondent shall remove the Hot Mix Plant from the place where it is presently installed and is at liberty to install the same at his proprietary land or elsewhere after obtaining the necessary permission from the concerned Authorities. The respondent shall remove the Hot Mix Plant from the present spot within a period of fifteen days positively.
6. The contempt petition also stands disposed of in view of the directions passed by the court in the writ petition.



(PUNEET GUPTA)
JUDGE

Jammu:
19.12.2023
Pawan Chopra

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No