

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- WP(C) No.3592/2025

M/s Basantar Stone Cursher

.....Petitioner(s)

Through: Mr. Himanshu Beotra, Advocate

Vs

UT of J&K & Ors.

.....Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(30.12.2025)

1. The petitioner is said to be aggrieved of closure report of his stone crusher bearing business name as "M/s Basantar Stone Crusher" on account of purported non-compliance of requisite as mandated in terms of **S.O. No.60** dated **23.02.2021**.
2. Present is 2nd writ petition, joining first writ petition-WP(C) **No.3012/2024** also filed by the petitioner and is pending disposal before this Court wherein by virtue of an order dated **23.12.2024**, this Court has directed the J&K Pollution Control Committee, Jammu to consider the case of the petitioner under the rules for issuance of NOC/Consent to Operate without insistence on the prior fresh title verification report/certificate as per the order/circular impugned dated **06.02.2024**.

3. Consequent upon said direction, J&K Pollution Control Committee has come forward with its order **No.32 JKPCC of 2025** dated **14.11.2025** holding the petitioner not entitled to issuance of 'Consent to Operate' for lack of essentials as set out in said order dated **14.11.2025**.
4. The petitioner is said to be possessing no license from the Mining Department to which the petitioner submits that the same is not required as the petitioner is not indulging in the mining.
5. The petitioner is also said to have failed in earning requisite No Objection Certificate (NOC) regarding title verification of land and its usage from the Deputy Commissioner concerned, and lastly CTO (R) for the year 2023 issued with the condition that site papers from the Revenue Department with Geo-reference as per **Rule 10** of **S.O. No.60/2021** not obtained within a period of three months.
6. The petitioner has come forwarded with this present writ petition for assailing Order **No.32 JIPCC of 2025** dated **14.11.2025**.
7. In the entire writ petition, the petitioner has not set up any averment as to how the site of the stone crusher is legally relatable to the petitioner in terms of ownership and possession.

8. Mr. Himanshu Beotra, Advocate for the petitioner refers this Court to the sale deeds as well as mutation related therewith.
9. Since an essential fact relating to the very ownership site of stone crusher has itself not being pleaded in the writ petition for the reasons best known to be petitioner, this Court cannot entertain the produced sale deeds to act upon the fact that the petitioner is the title holder of the site whereupon the stone crusher is actually located, unless and until there are pleadings to said effect and of fact by reference to the sale deeds.
10. In view of the deficiencies, learned counsel for the petitioner seeks to withdraw the writ petition with liberty to file a fresh one so as to come up with the full pleadings for enabling this Court to examine the impugned order.
11. The writ petition is **dismissed** as withdrawn, with liberty granted to file fresh.
12. In the event of fresh writ petition being filed by the petitioner on account of the liberty hereby reserved, certified copy of this order shall also be also annexed with the fresh writ petition.

(RAHUL BHARTI)
JUDGE

