

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

WP(C) No. 3748/2025
CM No. 8553/2025

M/S Monika Screener Plant

.....Petitioner

Through: Mr. Gagan Kohli, Advocate

Vs

UT of J&K & Ors.

.....Respondents

Through:

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

ORDER
(29.12.2025)

- 01.** The petitioner-M/S Monika Screener Plant, is a sole proprietorship concern of Monika Sharma who is a woman but wrongly mentioned as son of Sh. Sarveshwar Sharma both in the Memo of Parties, in Title of the writ petition as well as in the supporting affidavit and that reflects about sheer negligence on the part of the learned counsel representing the petitioner in not attending to such an express apparent error but nevertheless learned counsel for the petitioner now seeks permission of this Court to allow him to make table amendment which is allowed.
- 02.** Learned counsel for the petitioner is directed to make table amendment at the requisite places by reference to Monika

Sharma to be shown as *'wife of/or daughter of'*, as the case may be.

03. The grievance which has led the petitioner to come forward with the institution of the present writ petition is that she is holder of a land as owner measuring 9 kanals and 6.5 marlas comprised in khasra No. 6 min situated at village Jogian, tehsil Nagri Parole, district Kathua, with respect to which by virtue of an order dated **256/DCK/CLU of 2023 dated 25.11.2023**, the Deputy Commissioner, (District Collector), Kathua came to accord permission for conversion to non-agriculture land-(commercial) purpose and use thereby enabling the petitioner to set up screener plant for grading and screening of stone material for which the petitioner is said to have earned registration with District Industries Centre, Kathua vide **Acknowledgement No. IND/KTH/861-Prov/5711 dated 28.02.2024 under EM Part-I No. 0705051201877**.

04. On the basis of the aforesaid enabling permission and registration, the petitioner is said to have obtained even a *Consent to Operate (fresh)* vide consent **No. PCB/digital/25045567493 of 2025 dated 19.07.2025** valid up to May, 2026 from the Jammu and Kashmir Pollution Control Committee-(JKPCC).

05. On the basis of aforesaid situation, the petitioner applied to the respondent No. 2-Deputy Commissioner, Kathua in

terms of requirement as envisaged under **S.O. 60 of 2021 dated 23.02.2021** in terms whereof Jammu and Kashmir Stone Crushers/Hot and Wet Mixing Plants Regulation Rules, 2021 came to be set into effect, and solicited 'NOC' for the requisite purpose as required in terms of **Rule 3 (3) of said S.O. 60.**

- 06.** As the requisite 'NOC' is to be issued from the end of the respondent No. 2-Deputy Commissioner, Kathua with respect to title verification of land and its usage, the petitioner has been led to come up with the present writ petition in view of the fact that with the passing of time, the petitioner's Consent to Operate (fresh) lasting up to May, 2026 is going to deprive the petitioner of its effects and benefits in the face of non-holding of 'NOC' to be so issued from the end of the respondent No. 2-Deputy Commissioner, Kathua with respect to title verification.
- 07.** The petitioner's application dated **26.11.2025** is said to be pending consideration before the respondent No. 2-Deputy Commissioner, Kathua, the outcome of which is going to determine the future course of operation of the petitioner's installed plant.
- 08.** Without adjudicating case on merits by invoking the respondents to come forward with their response to the writ petition, this writ petition is **disposed of** at its very inception stage with a direction to the respondent No. 2-

Deputy Commissioner, Kathua to accord consideration to the pending application dated **26.11.2025** of the petitioner within the scope of authority as envisaged **under S.O. 60 of 2021 dated 23.02.2021** and dispose of the same within a period of fifteen days from the date of receipt of a certified copy of this order to be delivered by the petitioner against receipt in the office of the respondent No. 2-Deputy Commissioner, Kathua.

- 09.** Requisite order to be passed by the respondent No. 2-Deputy Commissioner, Kathua, shall contain reasons in case of rejection of the said application of the petitioner.
- 10.** This writ petition is, accordingly, ***disposed of***.
- 11.** Needful table amendment be done by learned counsel for the petitioner before the learned Registrar Judicial, Jammu before applying for certified copy of this order.

(RAHUL BHARTI)
JUDGE

JAMMU
29.12.2025
SUNIL

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