

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

**WP(C) 791/2025
CM(2005/2025)**

M/S Bhat And Sons Stone Crusher. ...Petitioner(s)

Through: Mr. Arif Sikander, Advocate with
Ms. Asifa Rashid, Padder, Advocate.

Vs.

Union Territory of J&K and Others. ...Respondent(s)

Through: Mr. Mohsin S. Qadri, Sr. AAG with
Ms. Maha Majeed, Assisting Counsel.

CORAM:

Hon'ble Mr. Justice Wasim Sadiq Nargal, Judge.

ORDER

28.04.2025

1. The petitioner through the medium of the instant petition, has called in question Order dated 8th January, 2025 issued by respondent No. 4-Jammu and Kashmir Pollution Control Committee, directing immediate closure of the petitioner stone crusher unit, besides seeking a writ in the nature of Mandamus, directing the Jammu and Kashmir Pollution Control Committee to provide an opportunity of hearing to the petitioner and after that, take a decision for Renewal of No Objection Certificate and also to give the petitioner a chance to rectify any deficiency in fulfilling the required formalities for the same.

2. The record reveals that the instant writ petition was listed before this Court on 11th April, 2025, when the same

was adjourned and pursuant thereto, the matter came up for consideration on 21st April, 2025, on which date, the learned counsel for the respondents sought two days' time to report instructions in the matter.

3. Today, when the instant writ petition was taken up for disposal, it was pointed out by the learned counsel for the petitioner that the deficiencies which have been pointed by the respondents by virtue of order dated 8th January, 2025, which is impugned in the present petition, have already been removed/cleared and thus, a final call has to be taken by the Pollution Control Committee in this regard, to which Mr. Mohsin S. Qadri, learned Senior Additional Advocate General assures the Court that decision in the instant case will be taken expeditiously, strictly in conformity with the rules governing the field.

4. In the light of the statement made by the learned counsel for the petitioner and the assurance extended by learned Senior Additional Advocate General, no fruitful purpose would be achieved by keeping the instant writ petition pending and with the consent of the learned counsel for the parties, the writ petition is disposed of by directing the Pollution Control Committee i.e. respondent No. 4 through Its Member Secretary to take a decision in the matter within a period of ten (10) days from today, subject to removal of the deficiencies, as pointed out by the respondents in the order impugned and also in the light of the statement made by the

learned counsel petitioner that the same have already been removed. In case if the deficiencies have been removed/cleared by the petitioner, then there is no requirement of removing the deficiencies any further. However, conversely in case if the deficiencies have not been removed/cleared, then the petitioner shall be at liberty to do the same within a period of one week from today and subject to removal/clearance of the deficiencies, the respondent No. 4 shall take a final call in the matter within a period of one week thereafter, strictly in conformity with the rules governing the filed. However, it is made clear that running of the stone crusher of the petitioner will be governed by the outcome of the said decision. The decision which is likely to be taken by the respondents, be conveyed to the petitioner through registered post.

5. It is made clear that in case the decision goes against the petitioner, he will be at liberty to challenge the same by of appropriate remedy under law, if so advised.

6. Writ petition **disposed of** along with connected CM, in the manner indicated above.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:

28.04.2025

"HAMID"