

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH

AT SRINAGAR

WP(C) 1018/2025

CM(2672/2025)

CM(2988/2025)

M/S GRAND JANNAT BAKERY

...Appellant/Petitioner(s)

Through: Mr. M. M. Shah, Adv.

Vs.

UNION TERRITORY OF J AND K AND ORS.

...Respondent(s)

Through: Mr. Mohsin Qadiri, Sr. AAG with
Ms. Nadiya Abdullah, Adv.

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

20.05.2025

CM No. 2988/2025

1. The instant application has been filed by the petitioner for taking on record copy of WP(C) No. 860/2025 and order dated 21.04.2025 passed therein.
2. For the reasons stated in the application coupled with what has been argued, the same is allowed and the copy of WP(C) No. 860/2025 alongwith order dated 21.04.2025 passed therein, appended with the application is taken on record subject to all just exceptions in terms of order dated 06.05.2025.
3. CM **disposed of.**

WP(C) 1018/2025

1. While the matter was being argued, Mr. M. M. Shah, learned counsel was confronted with the fact that he has filed a writ petition in the first round of litigation, wherein order dated 21.04.2025 has been passed, however, neither the copy of the said writ petition nor the copy of the order has been placed on record. Accordingly, Mr. M. M. Shah, learned counsel

was directed to place on record the copy of the writ petition preferred by the petitioner in the earlier round of litigation and also the order passed by this court therein.

2. In compliance to the aforesaid order dated 06.05.2025, Mr. M. M. Shah, learned counsel has filed the present application bearing CM No. 2988/2025 for placing on record the requisite documents, a perusal whereof reveals that in the earlier round of litigation, petitioner had sought the following relief;

“Issue a writ of mandamus commanding the respondents not to cause any interference in the smooth functioning of the petitioner’s unit.

Writ of certiorari to quash the order impugned bearing order No. 134-JKPCC of 2023 dated 21.11.2023 annexed herewith as Annexure-I by virtue whereof the closure of the petitioners unit has been ordered.”

3. However, the said writ petition was dismissed by this court on 21.04.2025 for the reason that the case of the petitioner stood rejected on the count that the petitioner has not submitted the requisite documents, NOCs from Tehsildar concerned and Srinagar Municipal Corporation.
4. Confronted with the same, the learned counsel appearing on behalf of the petitioner sought withdrawal of the said writ petition with a liberty to file fresh one if cause survives. In the aforesaid backdrop, the writ petition was dismissed as withdrawn with a liberty as prayed for.
5. It is a specific case of the petitioner through the medium of the present writ petition, which is by way of second round of litigation, that the petitioner has removed the deficiencies in terms of the aforesaid order and yet the respondents have not granted ‘consent to operate the unit’. In spite of the fact that the petitioner has filed the requisite application on 22.04.2025 along with all the requisite documents including certificate/NOCs from Srinagar Municipal Corporation and since, no action was taken by the competent authority, the petitioner feeling aggrieved of the inaction on part of the

respondents, has filed the instant petition. However, the petitioner through the medium of the instant petition is also seeking quashment of order dated 21.11.2023 bearing No. 134-JKPCC of 2023 by virtue of which the unit of the petitioner stood closed which was also the subject matter of the earlier writ petition.

6. When learned counsel for the petitioner was confronted with the fact that why the aforesaid order was not called in question in 2023, learned counsel for the petitioner replied that the petitioner has already challenged the aforesaid order by filing the writ petition mentioned supra which was dismissed for the reason that the petitioner has not obtained the requisite NOCs from the various authorities and since the petitioner has now completed all the requisite formalities and has obtained the requisite NOCs, and a duty is cast upon the respondents to accord consideration to the case of the petitioner strictly in accordance with the rules governing the field. Since the respondents have not taken a decision in terms of the rules in vogue, the petitioner was left with no other option but to file the instant petition.
7. After arguing for a while, Mr. M. M. Shah, learned counsel for the petitioner submits that he would feel satisfied in case a direction is issued to the respondents in particular the Pollution Control Board to accord due consideration strictly in terms of the rules within some reasonable period to which Mr. Mohsin Qadri, learned Sr. AAG appearing on behalf of the respondents on asking of the court, is not averse provided the same is directed to be accorded strictly under rules and as per laws.
8. With the consent of the learned counsel for the parties, the instant petition is taken up for final disposal at this stage without issuing formal notice to the respondents. Accordingly, the same is disposed of with a direction to the respondents 2 to 4 to accord due consideration to the case of the petitioner for grant of consent to operate the unit for

which the petitioner has applied by way of an online application dated 26.04.2025, alongwith, all requisite documents including certificate/NOC from the Srinagar Municipal Corporation within a period of six weeks from the date copy of this order alongwith the writ petition and Annexures are made available to the said respondents. However, the accord of consideration and issuance of NOCs will be subject to the fulfillment of all the requisite formalities envisaged under law. The order of consideration which is likely to be passed be forwarded to the petitioner through registered post.

9. The writ petition is **disposed of** in the manner indicated above.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR

20.05.2025

Sakeena