

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

**WP(C) 3041/2025
CM(8128/2025)**

Gulla Hassan Khan And Anr.

...Petitioner(s)

Through: Mr. M. M. Shah, Advocate.

Vs.

**Union Territory of J&K Th. Chairman J
And K Pollution Control Board & Ors.**

...Respondent(s)

Through: Mr. Faheem Nisar Shah, GA.

CORAM:

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

ORDER

10.12.2025

01. The learned counsel for the petitioners submits that prior to the issuance of the last consent by the Jammu & Kashmir Pollution Control Committee (JKPCC), the petitioners have made huge investments by shifting from the old Bulls Trench brick kiln technology to the modern and latest high draft technology i.e. Zigzag Technology, which is recognized as a cleaner and least polluting technology. It is stated that each petitioner has invested more than Rs. 25.00 lakhs, for adopting the said technology. However, despite that, JKPCC has not yet renewed their consent to operate.

02. The learned counsel further submits that the petitioners have also paid the royalty to the Geology and Mining Department and have also obtained all the requisite clearances from the said department. It is the specific case of the petitioners that they have applied to the respondent Nos. 1 and 2 for renewal of consent and, after processing the online application of the petitioner No. 1, JKPCC directed him to

submit Self-Monitoring Report (SMR), which has been submitted by the petitioner No. 1, as is evident from the documents appended with the writ petition.

03. The learned counsel for the petitioners submits that similarly the petitioner No. 2 also applied in time for renewal of consent through his partner, however, the respondent Nos. 1 & 2 informed him that, since the earlier consent is in his own name, he must apply himself and accordingly, the petitioner No. 2 applied afresh for renewal of the consent, which is reflected in the online status report, downloaded from the website of the JKPCC, and enclosed with the present writ petition.

04. It has been further pleaded that last consent issued in favour of the petitioner No.1 was valid upto May, 2025 whereas, the consent issued in favour of the petitioner No.2 was valid upto April, 2025. Since both the petitioners have applied well within time and also rectified the deficiencies pointed out by JKPCC in their online applications, it was incumbent on part of the respondent Nos. 1 and 2 to have renewed the consent to operate, as there was no legal impediment, which could have come in the way of the petitioners for grant of such consent.

06. After arguing for a while, the learned counsel for the petitioners submits that the petitioners would feel satisfied, if the present writ petition is disposed of at this stage with direction to the respondent Nos. 1 and 2 to treat this writ petition as representation on behalf of the petitioners and accord consideration to the same in accordance with law, within some reasonable timeframe.

07. On the asking of the Court, Mr. Faheem Nisar Shah, learned Government Advocate enters appearance on behalf of respondents and is not averse to the disposal of the instant writ petition at this stage or else to the submission made by the counsel for the petitioner. However, he submits that the representation of the petitioner shall be considered strictly in accordance with law and the applicable rules, provided the petitioners would submit an undertaking that they shall not operate their brick kilns until the competent authority grants the consent to operate, which condition is acceptable to the learned counsel for the petitioners.

08. *Heard learned counsel for the parties at length and perused the material on record.*

09. With the consent of the learned counsel for the parties, the present writ petition is taken up for final disposal at this stage as an innocuous prayer has been made by the learned counsel for the petitioner and the same is accordingly disposed of with a direction to the respondent Nos. 1 and 2 to treat this writ petition as representation on behalf of the petitioner and accord consideration to the same by passing a speaking order within a period of two weeks, strictly in conformity with the rules and as per law, subject to the filing of an undertaking by the petitioners that they shall not operate their brick kilns, until the consent to operate is granted by the competent authority,

10. Needless to say, that in case the petitioners intend to produce any document before the competent authority, they shall do so within a period of one week from today.

11. It is also clarified that further operation of the brick kilns of the petitioners shall be subject to the order(s) that may be passed by the respondent Nos. 1 and 2. The order of

consideration which is likely to be passed by the said respondents, be forwarded to the petitioners by registered post.

12. Till a final decision is taken in the matter by the competent authority i.e. respondent Nos. 1 and 2, the Order impugned shall not be given effect to.

13. Writ petition *disposed of* along with connected application in the manner indicated above.

(Wasim Sadiq Nargal)
Judge

SRINAGAR:

10.12.2025

"HAMID"

