

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

**WP(C) 3043/2025
CM(8139/2025)**

Mohammad Ibrahim Wani.

...Petitioner(s)

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

Vs.

Union Territory of J&K and Ors

...Respondent(s)

Through: Mr. Faheem Nisar Shah, GA.

CORAM:

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

ORDER

10.12.2025

01. The record reveals that this matter was heard at length by this Court on 8th December, 2025, on which date, Mr. Faheem Nisar Shah, learned Government Advocate was directed to have instructions in the matter and consequently, passing of the interim direction was deferred.

02. Today, when the instant matter was taken up for consideration, Mr. Faheem Nisar Shah, learned Government Advocate has drawn the attention of this Court to the representation purportedly filed by the petitioner before the respondent No. 1 on 25th November, 2025, whereby the petitioner has undertaken not to go for any commercial operation until the process for adoption of new and modern technology i.e. High Draft Zigzag Technology is brought to its logical conclusion.

03. Mr. Shah, learned Government Advocate has further clarified that in the aforesaid representation, the petitioner has admitted that his Brick Kiln had been ordered to be closed by the Jammu and Kashmir Pollution Control Committee vide Order No. 352 JK PCC of 2025 dated 22nd September, 2025, however, the representation was thereafter submitted by the petitioner on 25th November, 2025. He further submits that the petitioner has not placed on record any receipt or material to show whether such representation was actually filed before the competent authority.

04. Be that as it may, since the aforesaid representation is already on record, the respondents shall accord due consideration to the same strictly in accordance with law and rules governing the field.

05. In view of the above, no fruitful purpose would be served by keeping the instant writ petition pending and with the consent of the learned counsel for the parties, the same is taken up for final disposal at this stage.

06. Accordingly, the instant writ petition is disposed of with a direction to the respondent No. 3-Deputy Commissioner, Budgam to accord due consideration to the representation of the petitioner within a period of three weeks, strictly in accordance with law and rules governing the field, subject to the furnishing of undertaking by the petitioner within a period of one week from today before the Deputy Commissioner, Budgam that he will not operate his brick kiln till the requisite permission is granted by the competent authority, or until the process relating to adoption of new and modern technology i.e. High Draft Zigzag Technology is accorded due consideration by the competent

authority. The competent authority shall, in any case, accord due consideration to the representation of the petitioner, within a period of two weeks from the date the petitioner furnishes the said undertaking.

07. It is made clear that until the petitioner's case is duly considered by the respondent No. 3-Deputy Commissioner, Budgam, in pursuance to the undertaking to be furnished, the petitioner shall not operate his brick kiln and further operation of the brick kiln in question thereafter shall remain subject to the orders likely be passed by the respondent no. 3-Deputy Commissioner, Budgam. It is further made clear that in case the petitioner flouts/violates the terms and conditions of the undertaking, the respondents shall be at liberty to proceed ahead in the matter in accordance with law.

08. The writ petition is accordingly *disposed of* on the above terms.

SRINAGAR:
10.12.2025
"HAMID"

(Wasim Sadiq Nargal)
Judge

