

S.No. 106
Supp. List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 3090/2025

M/S SYED MOHAMMAD TAHIR

...Petitioner(s)/Appellant(s)

Through: Mr. Arif Sikandar Mir, Advocate

Vs.

J AND K POLLUTION CONTROL
COMMITTEE AND ORS.

...Respondent(s)

Through: Mr. Mohsin S. Qadri, Sr. Advocate

CORAM:HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

10-12-2025

1. By the medium of the present petition, the petitioner has challenged Closure Order No. 322-JK PCC of 2025 dated 16.09.2025 issued by respondent No.1-Jammu and Kashmir Pollution Control Committee under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981. The impugned order directs (i) closure of the Gypsum Mining Unit of the petitioner at Dara-Gutliyan, Uri; (ii) de-registration of the unit by the Director, Industries & Commerce; (iii) disconnection of electricity and water supply; and (iv) immediate cessation of mining operations.
2. The case of the petitioner is that he is running a lawful gypsum mining unit on the basis of a valid Excavation Lease granted by the Government of J&K vide Order No. 176-Ind of 2006 dated 09.08.2006 for land measuring 83 kanals and 15 marlas situated under various Khasra numbers at Dara-Gultiyan, Uri. It is pleaded that the

petitioner has been regularly operating the mining unit in accordance with law and had been granted statutory consents including Consent to Operate (CTO). The last CTO issued vide order No. PCC/digital/22062309104 of 2022 dated 11.01.2022 remained valid up to July 2024. The grievance of the petitioner is that the impugned closure order has been passed without any notice, show cause, inspection report, pollution data, sampling material, photographs, or any supporting material demonstrating violation of environmental norms.

3. The petitioner further pleads that the impugned order is in violation of the statutory scheme prescribed under the Jammu and Kashmir Single Window (Industrial Investment and Business Facilitation) Act, 2018, the Single Window Rules, 2021 and JKPCC Order No. 191-JKPCC of 2022 dated 19.07.2022, which provide a structured mechanism for scrutiny, inspection, deficiency-removal and time-bound disposal of online consent applications. It is urged that none of these procedural safeguards have been followed, rendering the impugned order arbitrary, illegal and ultra vires.
4. Learned counsel for the petitioner, Mr. Arif Sikandar Mir, submits that the petitioner had already submitted an application bearing No. 4902455 on 06.09.2024 through the Single Window Portal under the prescribed mechanism and the same has not been decided till date. It is argued that had the application been considered within the statutory timeframe, the impugned closure order could not have been passed. It is contended that the petitioner cannot be put to disadvantage due to inaction on part of the respondents.

5. Learned counsel for the petitioner submits that the petitioner would feel satisfied if the petition is disposed of with a direction to respondent No.1 to consider and decide the above-mentioned application within the shortest possible time, and till then the petitioner undertakes not to operate the unit
6. Learned Sr. AAG, Mr. Mohsin S. Qadri, appearing for the respondents, submits that he has no objection to the course suggested by learned counsel for the petitioner.
7. Accordingly, with the consent of parties, the petition is taken up for final disposal. The petition is disposed of with the following directions:

- I. Respondent No.1 shall consider and decide Application No. 4902455 dated 06.09.2024 submitted through the Single Window Portal strictly in accordance with law, rules and applicable circulars, within a period of one week from the date a copy of this order is furnished to him.
- II. Till a decision is taken, the operation of the impugned Closure Order No. 322-JK PCC of 2025 shall remain stayed, subject to the petitioner furnishing an undertaking before respondent No.1 that he shall not operate his mining unit during the said period.
- III. It is made clear that continuance of the petitioner's unit thereafter shall be subject to the orders which are likely to be passed on the aforesaid application.

- IV. In case the respondents have already taken a decision on the said application, the petitioner shall be at liberty to seek redressal through appropriate legal remedy.
- v. If the application is still pending, the same shall be decided within the time stipulated above and the decision shall be promptly conveyed to the petitioner.

8. Disposed of along with all connected applications.

SRINAGAR:
10-12-2025
Mubashir



(WASIM SADIQ NARGAL)
JUDGE