

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 1715/2026

Date of Pronouncement: 10.07.2026.

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M/S Monika Screener Plant
Village Jogian Tehsil Nagri Parole
Through its Proprietor
Monika Sharma W/o Sarveshwar Sharma
R/o Ward No. 10, Kathua Tehsil & District
Kathua.

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

Through: Mr. M.K. Bhardwaj, Sr. Advocate with
Mr. Gagan Kohli, Advocate.

vs

01. J&K Pollution Control Committee
Through its Member Secretary Forest
Complex, Transport Nagar, Jammu.
02. Regional Director, Forest Complex,
Transport Nagar, Jammu.
03. Divisional Officer, Pollution Control
Board, Kathua.
04. District Industries Centre Kathua
through its General.

..... Respondent(s)

Through: Ms. Meenakshi Salathia, Dy. AG.

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
10.07.2026

01. Petitioner, through the medium of this petition, seeks a direction upon the respondents, particularly respondent No. 1 to 3, to grant/renew the Consent to Operate in favour of the petitioner for operating the industrial Unit, namely, *M/s Monika Screener Plant-cum-Stone Crusher* for the

year 2026-2027. The petitioner further prays a direction restraining the respondents from withholding the petitioner's application for grant/renewal of Consent to operate merely on the basis of order dated 26.02.2026, which has been kept in abeyance by this Court.

02. Brief facts of the case are that the Government of Jammu and Kashmir notified SO 60 of 2021 (J&K Stone Crusher, Hot & Wet Mix Plant Regulation, 2021), which prescribes the procedure for establishing and operating a stone crusher/screening plant, including the requirement of obtaining consent from the Pollution Control Board and an NOC from the Deputy Commissioner regarding title verification and land use.
03. It is submitted that the petitioner is the proprietor of M/s Monika Screener Plant and intends to establish and operate a screener plant-cum-stone crusher in District Kathua in accordance with the J&K Stone Crusher, Hot & Wet Mixing Plant Regulation, 2021 (SO 60 of 2021). The petitioner owns 09 kanals and 6.5 marlas of land comprising Khasra No. 6 Min, situated at Village Jogian, Tehsil Nagri Parole, District Kathua, and after obtaining GST registration, secured permissions for change of land use from agricultural to commercial purposes (Screener Plant) vide order dated 25.11.2023.
04. It is submitted that the petitioner thereafter secured provisional registration from the District Industries Centre, Kathua, and after completing all requisite formalities, obtained Consent to Operate from the J&K Pollution Control Committee for the screener plant, valid up to May 2026. As required under SO 60 of 2021, the petitioner applied before

the Deputy Commissioner, Kathua for issuance of NOC. Despite submission of all requisite documents, including title verification and land-use permission, the application remained pending without any decision.

05. It is further submitted that the petitioner also applied for consent to operate a stone crusher. However, the application was kept pending by the Pollution Control Committee on the ground that an NOC under SO 60 of 2021 was awaited. A subsequent application for NOC was not entertained as an earlier application was already pending. Aggrieved by the inaction of the authorities, the petitioner filed WP(C) No. 3748/2025, whereupon this Court directed the Deputy Commissioner, Kathua to decide the petitioner's pending application within the prescribed period by a reasoned order.
06. During the pendency of the matter, the Pollution Control Committee issued a show-cause notice alleging operation of the stone crusher without requisite permissions. The petitioner submitted a detailed reply, stating therein that all pollution-control measures had been installed and the crusher was fully covered with dust-suppression arrangements. Despite the pendency of the NOC application, the Pollution Control Committee passed an order dated 11.02.2026 directing seizure of the crusher and disconnection of electricity and water supply. The petitioner challenged the said order in WP(C) No. 427/2026, and this Court stayed its operation. Thereafter, the petitioner came to know that the Deputy Commissioner, Kathua, vide order dated 26.02.2026, had rejected the

application for issuance of NOC on the ground that permission for change of land use had been granted only for a screener plant and not for a stone crusher.

07. The petitioner contends that the rejection order is contrary to the record, as the change-of-land-use permission under SO 60 of 2021 was confined to verification of title and ownership of land, and all statutory requirements had otherwise been fulfilled. Aggrieved by the order dated 26.02.2026, the petitioner filed WP(C) No. 1278/2026, wherein this Court, vide order dated 08.05.2026, kept the impugned order in abeyance and directed the Deputy Commissioner, Kathua to reconsider the order qua title verification of her land.
08. It is argued on behalf of the petitioner that it has obtained all requisite permissions, including land use conversion, established the screener plant and stone crusher on her own land, and complied with all statutory and pollution control requirements. Although this Court has stayed the order rejecting the NOC and directed reconsideration of the matter limited to verification of land title, the respondents have failed to grant Consent to Operate despite there being no legal impediment. Such arbitrary inaction, despite full compliance by the petitioner, is unjustified and has caused undue prejudice and financial loss.
09. At this stage, learned counsel for the petitioner submits that the petitioner would feel satisfied, in case, the instant petition is treated as a representation and a direction is issued to the respondents to accord consideration to the same within some reasonable period.

10. Heard learned counsel for the petitioner at length and perused the record.
11. Issue notice to the respondents.
12. Ms. Meenakshi Salathia, learned Dy. AG, waives notice on behalf of the respondents and submits that she is not averse to the aforesaid preposition provided the case of the petitioner is directed to be accorded consideration under rules and as per law.
13. With the consent of learned counsel for the parties, the instant writ petition is taken up for final disposal and, is accordingly, ***disposed of*** by directing the respondents to treat, instant writ petition as a representation and accord consideration to the same strictly under rules and as per law within six weeks from the date a copy of this order along with copy of the instant writ petition and the annexure(s) are made available to the respondents. The order of consideration which is likely to be passed be conveyed to the petitioner by the respondents through registered post or any other mode of conveyance.
14. The writ petition is ***'disposed of'*** in the manner indicated as above.

(Sanjay Parihar)
Judge

Jammu
10.07.2026
Renu

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No