

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

WP(C) No. 2649/2025

**Mulkh Raj (Proprietor JK Poultry Farm)
S/O Late Sh. Sant Ram
R/O H. No. 108, Sector-3,
Nanak Nagar, Jammu**

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

Through: Mr. Sandeep Singh, Advocate

vs

- 1. Union Territory of J&K through
Commissioner/Secretary to Government,
Revenue Department, Civil Secretariat,
Jammu**
- 2. Deputy Commissioner, Jammu**
- 3. Sub-Divisional Magistrate,
Jammu South**
- 4. Tehsildar Bahu, District Jammu.**
- 5. Naib-Tehsildar Bahu, District Jammu.**
- 6. Chairman,
State Pollution Control Board,
Narwal, Jammu**

..... Respondent(s)

Through: Ms. Nazia Fazal, Advocate vice
Mrs. Monika Kohli, Sr. AAG, for R-6
Mr. Vivek Mattoo, Advocate vice
Mr. Vishal Bharti, Dy. A.G, for R- 1 to 5

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

**ORDER
(16.02.2026)**

1. The petitioner, claiming that he has set up a poultry farm under the name & style 'JK Poultry Farm' at Channi Rama, near Amar Flour Mill since 1986, assailed Order No. TB/OQ/2025-26/67-69 dated 16.06.2025, whereby respondent No. 4 has directed for closure/seizure of his poultry farm, by referring to the Order No. 57-SPCB of 2015 dated 29.10.2025 and has also assailed Notice No. NTRB/81 dated 25.06.2025 issued by respondent No. 5 pursuant to the order passed by respondent No. 4. The petitioner also seeks quashment of the Order No.

57-SPCB of 2015 dated 29.10.2015 issued by respondent No. 6 with further direction to restrain the respondents from interfering in smooth functioning of poultry farm of the petitioner, without adopting due course of law.

2. Learned counsel for the petitioner submits that the petitioner's poultry farm has less than 25,000 birds as such, the same is a 'small unit' and as per the Environment Guidelines for poultry farms issued by Central Pollution Control Board under Ministry of Forest and Climate Change, Government of India in August, 2021, the poultry farms having birds above 25,000 at single location will have to obtain consent to establish (CTE) and consent to operate (CTO) under the Water Act, 1974 and Air Act, 1981 from State Pollution Control Board/Pollution Control Committee. He also submits that in view of the fact that the petitioner's poultry farm had not more than 25,000 birds, as such, no such 'consent to establish' or 'consent to operate' is required once the license is issued, in view of the guidelines and alleged that unmindful of the guidelines, the respondents had issued the impugned order only under the pretext that 'consent to establish' and 'consent to operate' have not been issued by the Pollution Control Committee in favour of the petitioner's unit. In support of his contention, he has referred to Order dated 24.08.2023 passed by the Apex Court in Civil Appeal No. 2480/2023 titled *The Poultry Farmers and Breeders Association Vs. Union of India & Ors.*, whereby such requirements for those poultry farms having less than 2500 birds at single location had been stayed until further orders and that this order passed by the Hon'ble Apex Court is still in operation, as such, the impugned orders have been passed illegally.

3. Learned counsel for the petitioner submits that the petitioner shall be satisfied in case this petition is disposed of at this stage with a direction to the respondents to consider the case of the petitioner in the light of the guidelines

referred hereinabove, more so, in the light of the interim order passed by the Hon'ble Apex Court.

4. Learned counsel for the respondents who are present in the Court stated that the respondents shall not be averse to the plea raised by the petitioner for consideration of the matter, in view of the Environmental Guidelines for poultry farms and shall also examine the order passed by the Hon'ble Apex Court, if applicable to the case of the petitioner.

5. In view of the pleadings, submissions urged at the bar on both sides, this petition is disposed of at this motion stage with a direction to the respondents to consider the plea raised by the petitioner in this petition, particularly with regard to applicability of the Environmental Guidelines for poultry farm issued by Central Pollution Control Board and Ministry of Forest and Climate Change, Government of India in August, 2021 and the interim order passed by the Hon'ble Apex Court in Civil Appeal No. 2480/2023 titled *The Poultry Farmers and Breeders Association Vs. Union of India & Ors.* The respondents shall consider the matter and decide the same expeditiously having regard to the business interests and livelihood of the petitioner, based on his poultry unit.

6. ***Disposed of***, accordingly, alongwith pending application(s).

(M A CHOWDHARY)
JUDGE

Jammu
16.02.2026
Tarun/PS