

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

WP(C) 1087/2026 CM(2838/2026)

FAYAZ AHMAD RENZOO AND
ANOTHER

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

Through: Mr. M. M. Shah, Advocate

Vs.

UNION TERRITORY OF J AND K
(POLLUTION CONTROL
COMMITTEE) AND OTHERS

...Respondent(s).

Through: Mr. Waseem Gul, GA

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

ORDER
15.05.2026

1. Heard Mr. M.M. Shah, learned counsel for the petitioners, and perused the material available on record.
2. During the course of arguments, learned counsel for the petitioners invited the attention of this Court to Annexure-XII, which is a communication issued by the Tehsildar Rajpora dated 07.07.2025. A perusal thereof reveals that a duly constituted team, headed by the Executive Magistrate 1st Class concerned, had sealed the stone crusher on 24.06.2025, which was allegedly being operated illegally at village Arigam Chirat, falling under Survey No. 419 min.
3. Pursuant thereto, the Assistant Commissioner Pulwama, vide order dated 25.09.2025, constituted another committee comprising the Patwaries under the supervision of the Naib Tehsildar, Rajpora, for carrying out demarcation of the patch of land falling under Survey Nos. 418 and 419 with regard to the grant of title of land/NOC in favour of M/s Tramboo Stone Crusher (petitioners crusher). The said committee was directed to carry out demarcation strictly as per the revenue records and submit a detailed report within seven days for further course of action.
4. Learned counsel for the petitioners further invited the attention of this Court to the latest communication dated 27.10.2025, a perusal of the said

communication reveals that the Naib Tehsildar, Rajpora, along with the constituted team, conducted demarcation of the land on spot on 16.10.2025. As per the revenue records, land measuring 4 Kanals and 5 Marlas under Survey No. 418 is duly recorded as proprietary land in the names of Irfan Ahmad S/o Ghulam Hassan Dar R/o Babhara, Pulwama, and Fayaz Ahmad S/o Ghulam Qadir Reenzoo R/o Khanyar, Srinagar, in equal shares, and the same is fenced on spot. The Tramboo Stone Crusher is found installed on the said proprietary land. It has further been reported that adjacent Survey No. 419 is recorded as Shamilat Deh (Mahfooz Kahcharai). It is also found that out of the land under Survey No. 419, an area measuring 15 Marlas is lying vacant on spot, whereas only 1 Marla is occupied by the belt portion of the said stone crusher.

5. It is contended by learned counsel for the petitioners that in view of the aforesaid demarcation carried out by the concerned revenue authorities, and having regard to the fact that the stone crusher of the petitioners is installed on proprietary land, the impugned order dated 18.06.2025 issued by respondent No. 3, insofar as it pertains to the petitioners, as also the order dated 13.12.2024 issued by respondents 1 and 2, require reconsideration. It is further submitted that the committee constituted by the concerned Deputy Commissioner cannot proceed against the petitioners' stone crusher, as the only impediment coming in the way of the petitioners now stands clarified by the revenue authorities. Accordingly, it is argued that respondents 1 and 2 are required to consider issuance of consent to operate, and respondent No. 3 is required to consider issuance of NOC in favour of the petitioners strictly in accordance with law.
6. At this stage, learned counsel for the petitioners submits that the petitioners would feel satisfied in case the present writ petition is disposed of with a direction to respondents 1 and 2 to consider issuance of consent to operate the stone crusher, and thereafter respondent No. 3 to consider issuance of NOC in favour of the petitioners in accordance with law.
7. On the asking of the Court, Mr. Waseem Gul, learned Government Advocate, has caused appearance on behalf of the respondents. Learned

Government Advocate is not averse to the disposal of the present writ petition in the manner proposed by learned counsel for the petitioners. However, he submits that the case of the petitioners would be considered strictly in accordance with law and the rules governing the field.

8. In view of the above, the present writ petition is disposed of with a direction to respondents 1 and 2 to consider the case of the petitioners for issuance of consent to operate, strictly in accordance with law, within a period of three weeks from the date a copy of this order, along with all relevant annexures, is made available to them. Thereafter, in the event of a favourable consideration by respondents 1 and 2, respondent No. 3 shall consider the case of the petitioners for issuance of NOC, strictly in accordance with law, within a further period of three weeks.
9. It is further directed that before passing the consideration order, the petitioners shall be afforded an adequate opportunity of being heard and shall also be permitted to place on record such documents/material as may be required or as they may intend to rely upon. The final consideration order which is likely to be passed shall be communicated to the petitioners within one week thereafter through registered post.
10. It is made clear that continuance of operation of the stone crusher of the petitioners shall remain subject to the decision which is likely to be taken by the respondents in terms of the directions passed hereinabove and strictly in accordance with law.
11. **Disposed of** in the manner indicated above.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
15-05-2026
Mubashir