

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

WP(C) 1184/2024 CM(3268/2024) CM(3683/2025)

MOHAMMAD HAMZA DAR

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

Through: Ms Asifa Padroo, Advocate

Vs.

UT OF JK & ORS

...Respondent(s).

Through: Mr. Alla-ud-Din Ganie, AAG vice
Mr. Ilyas Nazir, GA for R-5 & R-6

CORAM: HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

04.03.2026

1. It is submitted by the learned counsel for the petitioner that District Mining Officer, Bandipora has done the needful pursuant to the direction of this Court dated 03.06.2024. The learned counsel has already filed an application bearing No. CM 3683/2025 seeking disposal of the main case, while considering the physical verification report of the Mining Department.
2. Heard the learned counsel for the petitioner.
3. The case of the petitioner, as agitated through the medium of the instant petition filed in terms of the provisions of Article 226 of the Constitution of India, in nutshell, is that he is the owner in possession of a patch of land measuring 03 Kanals and 05 Marlas falling under Khasra Nos. 1001/951, 1002/951 & 1003/951 situated at Village Chewa, District Bandipora, Kashmir, where he intended to establish a stone crusher plant. That he sought permission from the competent authority vide order dated 19.05.2022 for establishment of the said plant with change of land use. That he in the first instance in the month of June, 2023 applied to the respondent No. 4 for permission to lift loose material (m. stones) which had accumulated due to rock sliding during torrential rains adjacent to his

crusher plant, which was granted in his favour. That despite the permission granted by the competent officer, he was harassed by the concerned police station/police post in undertaking the permitted work. That he again in the month of July, 2023, sought the permission from the concerned officer for lifting the aforesaid loose material (m. stones) from his aforesaid nearby proprietary land, which was again granted, but that time, he was enough harassed by the concerned police station/police post as well as office of the Tehsildar concerned. That due to interference and harassment meted out to him through the hands of the concerned Tehsildar and police, his stone crusher plant suffered a halt and his employees have been left without any salary. That besides, he is not in a position to use his vehicles meant for the business of the plant or to pay the electricity charges.

4. At the first hearing of the case, the writ petition was admitted and respondent No. 4-District Mining Officer, Bandipora was directed to consider and take a decision on the application moved by the petitioner seeking permission for lifting of loose material and stones strictly in accordance with the law.
5. The learned counsel for the petitioner has already filed an application bearing No. CM 3683/2025, enclosed with, a copy of the report prepared by Mr. Mohammad Kazafi, Geological Assistant in the office of the Directorate of Geology and mining J&K under his No. MK/DGM/SGR/25/10 dated 28.05.2025 which was forwarded to the respondent No. 4, i.e., District Mining Officer, Bandipora by the Technical Officer to the Joint Director, Kashmir, Geology & Mining Department, Srinagar under his communication No. MSK/DGM/SGR/BP/LM/F-115/1445 dated 31.05.2025, as an enclosure thereto.

6. Through the medium of the said application, the petitioner has sought the disposal of the main petition on the basis of the observations made in the aforesaid report.
7. It is profitable to reproduce the report aforesaid for the sake of convenience:

OFFICE OF THE JOINT DIRECTOR, KASHMIR
DIRECTORATE OF GEOLOGY AND MINING, J&K,
4TH FLOOR, Sanat Ghar, Bemina, Srinagar.

[Tel:0194-2493605](tel:0194-2493605) Email:jdkdgm12@gmail.com

District Mineral Officer,
Bandipora

No. MSK/DGM/SGR/BP/LM/F-115/1445 DATED 31.05.2025

References: - i. DMO/DGM/BPR/185 Dated:- 24.04.2025

ii. DMO/DGM/BPR/293 Dated:- 09.05.2025

Sir,

Refer to the above captioned subject and reference. In this context, enclosed find herewith the report submitted by Mr. Mohammad Kazafi, Geological Assistant vide no. MK/DGM/SGR/25/10, dated 28.05.2025 for your information and further course of necessary action in the matter.

Yours faithfully

Technical Officer (to JDK)

Geology & Mining Deptt. Srinagar

UNION TERRITORY OF JAMMU AND KASHMIR
DEPARTMENT OF GEOLOGY AND MINING SANAT GHAR,
BEMINA SRINAGAR.

Subject: Confirmation of Material Classification.

In pursuance to Joint Director Office order no. MSK/DGM/SGR/BP/LM/F-115/803-04, dated: 13.05.2025, Sh. Mohd Kazafi (Geological Asstt) was assigned to inspect the site, to ascertain the feasibility of the applied site at Chewa, Tehsil Sumbal District Bandipora as per the enclosed geo-referenced site plan for consideration of Disposal Permit of the site as per the provisions of Jammu and Kashmir Minor Mineral

Concession Rules, 2016. In this context the undersigned alongwith applicant who has identified the spot visited the site on 27.05.2025, for ascertain the availability of material and feasibility for grant of Disposal Permit as per J&K Minor Mineral Concession Rule 2016. During the physical verification it is found that the applied area 506 Sq metre is correlated as per the submitted Georeferenced site plan and ground truth ascertained as below.

S.No.	Corner Point	Geo-Coordinates
1.	A	34°17'21.16"N 74°40'28.86"E
2.	B	34°17'21.04"N 74°40'30.01"E
3.	C	34°17'21.30"N 74°40'30.01"E
4.	D	34°17'21.52"N 74°40'29.66"E
5.	E	34°17'21.71"N 74°40'28.24"E

The material for which applicant is seeking permission for disposal permit is minor mineral Panjal trap (Andesitic Basalt Rock) and there is no noticeable major or precious minerals observed the visit. The material has been accumulated probably due to weathering and sliding and there is no evidence of recent mining activities on site. The total tentative reserved to the tune of 3177 Mts are available at site, out of which 2192.82 Mts are safe feasible for disposal.

The report is submitted for further necessary course of action at your end.

*Mohammad Kazafi
(Geological Asstt.)*

8. The learned counsel for the respondents 5 & 6 was also heard in respect of the matter.
9. In the facts and circumstances of the case, this Court is of the opinion that the matter can be disposed of even at this stage by passing of appropriate orders in light of the report made by Mohammad Kazafi, Geological Assistant in the office of the Directorate of Geology and Mining, J&K pursuant to the order of this Court dated 03.06.2024.

10. Accordingly, the instant petition is disposed of with the direction to the respondents to deal with the case of the petitioner, as projected in the petition, strictly as per the law governing the field, especially keeping in view the report made by one Mohammad Kazafi, Geological Assistant in the office of Directorate of Geology and Mining, J&K, addressed by the Technical Officer, JDK, to the District Mineral Officer, Bandipora, dated 31.05.2025.

11. Disposed of.

SRINAGAR
04.03.2026
ARIF

(MOHD YOUSUF WANI)
JUDGE

