

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1518/2024

MOHAMMAD YOUSUF WANI ...Petitioner/Appellant(s)
AND ORS

Through: Mr. Saqib Amin Parray, Advocate

Vs.

UT OF J&K AND ORS. ...Respondent(s)

Through: Mr. Ilyas Nazir Laway, GA

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

16.09.2026

1. The petitioners, through the medium of the instant petition, has sought the following reliefs:-

- (i) *“Writ of Mandamus directing the respondents to allow the petitioners to lift the extracted limestone from the missing sites and its transportation.*
- (ii) *Mandamus directing the respondents not to restrict the petitioners unreasonably and the petitioners as lessees be allowed to exercise their rights in terms of their mining leases read with Mines and Minerals Development and Regulation Act, 1957.....,”*

2. Thus, from a bare perusal of the reliefs sought, it transpires that the grievance projected by the petitioners is primarily with regard to a direction to the respondents to permit the petitioners to lift the extracted limestone from the mining sites. The petitioners have also sought a writ of mandamus against the respondents not to unreasonably restrict

the petitioners, being lessees in terms of their respective mining leases, from carrying out mining operations in conformity with the Mines and Minerals (Development and Regulation) Act, 1957.

3. Mr. Saqib Amin Parry, learned counsel appearing for the petitioner, submits at the Bar that a response has been filed on behalf of the contesting respondents No. 2 and 3, wherein the respondents have taken a specific stand that, in compliance with the interim order passed by this Court on 14th August, 2024, the petitioners have been permitted to lift the available loose material manually, without using any machinery.
4. Mr. Parry has, however, drawn the attention of the Court to the order dated 14th August, 2024, whereby this Court had permitted the petitioners to lift the material manually and without using any machinery.
5. *Per contra*, the learned counsel appearing for the respondents submits that, pursuant to the interim order dated 14th August, 2024, the petitioners were permitted to lift the available loose material manually, without using machinery, and, therefore, the said order stands complied with.
6. It has further been specifically stated by the respondents that a review meeting was held under the chairmanship of the Commissioner/Secretary, Department of Mining, J&K, on 3rd April, 2021, wherein, after considering all the factual aspects, it

was directed that the Department shall allow lifting and transportation of the remaining certified and permitted quantity strictly in accordance with the Government approval bearing No. MSK/JDK/DGM/SGR/F-01(c) 35 dated 3rd July, 2020. Pursuant to the decision so taken, the competent authority thereafter granted approval for transportation of the remaining material vide letter dated 22nd June, 2022. It has, accordingly, been pleaded by the respondents that the Department has actively facilitated and recommended the transportation of the extracted material at every stage.

7. It has also been specifically pleaded by the respondents that, as per the assessment report of the loose limestone material, the concerned leaseholders were granted permission to transport the assessed quantity of loose limestone material. Those leaseholders who had cleared their outstanding dues towards royalty, DMFT and other applicable charges were accordingly permitted to transport the said loose limestone material from their respective leases.
8. The respondents have further stated that they have never obstructed or stopped the smooth transportation of minerals by the petitioners. Rather, the respondents have consistently recommended and obtained the necessary approvals for transportation of the already extracted minerals.

9. In view of the stand taken by the respondents and the statement made by the learned counsel for the petitioners, the instant petition is disposed of with a direction to the respondents to allow the petitioners to lift and transport the extracted loose mineral from the mining sites, strictly in conformity with the terms and conditions of the mining leases and the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, and the rules framed thereunder, subject to there being no other legal impediment and the petitioners fulfilling all the requisite statutory and other applicable requirements.

10. **Disposed of** along with connected CM(s).

SRINAGAR:

16.09.2026

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