

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

LPA 249/2025
In WP(C) 2396/2025
CM(6603/2025)

Date of Order: 27.02.2026

Shabir Ahmad Kelam.

...Appellant(s)

Through: Mr. Aushaq Hussain Shah, Advocate.

Vs.

Union Territory of J&K and Ors.

... Respondent(s)

Through: Mr. S. A. Makroo, Senior Advocate with
Mr. Irfan Rasool, Advocate for R-14.

CORAM:

**HON'BLE MS. JUSTICE SINDHU SHARMA, JUDGE.
HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE.**

ORDER

27.02.2026

01. This Letters Patent Appeal is directed against judgment and order dated 29th September, 2025 passed by the learned writ court WP(C) No. 2396/2025, whereby the Jammu and Kashmir Control Board, Kashmir was directed to grant two months' provisional registration in favour of the petitioner/respondent No. 14 herein to enable him to shift the industrial unit to an alternative site.

02. The respondent No. 14-owner of a small-scale unit, was operating a rice husking mill under the name and style of M/S Kelam Enterprises at Malikpora, Verinag, Anantnag. It appears that the unit was being run without the mandatory consent of the Jammu & Kashmir Pollution Board. A show cause notice was issued to the petitioner/respondent No. 14 herein, asking him to explain why legal action against him should not be taken. Aggrieved thereof, the petitioner/respondent No. 14 approached this Court by filing a writ petition bearing WP(C) No. 2015/2025, which came to be disposed of by this Court vide order dated 20th August, 2025, directing the authorities to decide the pending application⁵ of the petitioner for grant of consent to operate, in accordance with law.

03. In compliance to the order dated 20th August, 2025, the respondents issued an Order bearing No. 02 JKPCC of 2025 dated 16th September, 2025, whereby the petitioner's consent to operate was rejected and he was directed to shift the unit to a feasible site, conforming to the siting criteria.

04. The said order dated 16th September, 2025 was assailed by the petitioner/respondent No. 14 herein, in the writ petition bearing WP(C) No. 2396/2025 and the contention of the petitioner/respondent No. 14 was that shifting of the industrial unit from the existing site to the proposed alternate site would require completion of certain formalities, which will not be possible to be completed within the time. The learned writ Court while

considering this aspect of the matter, granted two months' time expiring on 30th November, 2025 to enable the petitioner to shift the unit from the existing site, to the alternate site arranged by him and till such time, the provisional consent to operate in favour of the petitioner was directed to be issued.

05. The appellant aggrieved of the same, approached this Court by way of the present Letters Patent Appeal, *inter alia* contending that earlier an order was passed by the Coordinate Bench, which mandated closure of the unit and disconnection of electricity. The respondent No. 14 despite executing affidavit to relocate the Unit within nine months, failed to do the same till date. The continuous operation of the unit is resulting in hardships to the appellant and his family.

06. Today when the matter was taken up for consideration, the learned Senior counsel appearing on behalf of the respondent No. 14 submitted that the respondent has already made arrangements to shift the unit to the alternate site and would be moving an application for grant of consent to operate at the aforesaid alternate site, as such, nothing survives for consideration in the present appeal.

07. In view of the aforesaid submission, nothing further remains for adjudication in this appeal and the same is accordingly *disposed of* as having been rendered infructuous. Needless to say

that if any application is made by the petitioner/respondent No. 14 for grant of consent to operate at the alternate site, same shall be considered and decided on its own merits, in accordance with law.

(SHAHZAD AZEEM)
JUDGE

(SINDHU SHARMA)
JUDGE

SRINAGAR:
27.02.2026
"HAMID"

- ❖ Whether Order is Speaking? Yes/No.
- ❖ Whether Order is Reportable? Yes/No

