

Serial No. 59
Supp. Cause List

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

WP(C) 2436/2026 CM (6601/2026)

M/S ALAMDAR STONE CRUSHER TH.ITS PROP.

.....Petitioner(s)

Through:
Mr. Areeb Javed Kawoosa, Adv.

Versus

UNION TERRITORY OF J AND K (HOME) AND OTHERS.

.....Respondent(s)

Through:
None.

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

ORDER
26.09.2026

1. Heard the learned counsel for the petitioner in respect of the matter.
2. The case of the petitioner firm is that it is a sole proprietorship concerning a stone crusher, under the name and style of M/S Alamdar Stone Crusher, being run since 21.09.2023, on the proprietary land of its proprietor Mohammad Ashraf Bhat, situated at Lethpora, Tehsil Pampore, District Pulwama. That the stone crusher is being run strictly in accordance with the law, and the proprietor, has already obtained all the requisite permissions, clearances, and No Objection Certificates from all the concerned departments. That during the entire period of operation, the proprietor has been regularly approaching the competent authorities for extension/renewal of the requisite permissions and NOCs, who has continuously complied with the statutory and regulatory requirements for running the said crusher. That the stone crusher stands established on the proprietary land measuring 6 Kanals 8

Marlas falling under Survey No. 541/6 Min, situated at Lethpora. That as a prerequisite condition, the proprietor has always obtained the Consent to Operate certificates from the Pollution Control Committee, by way of the renewal/extension of the earlier certificates. That all the requisite certificates/NOCs have been granted by all the departments after the spot verifications, and also after getting the reports from the field agency. That the proprietor of the firm has also obtained NOC from the Divisional Forest Officer concerned, Flood Control Division, and also the Irrigation Control Division. That the petitioner's firm is also duly registered with the Ministry of Micro, Small and Medium Enterprises as an industrial unit, with registration number UDYAM-JK-15-0005842. That the land title verification is also figuring among the NOCs which have been obtained by the proprietor of the firm from time to time. That the proprietor, for establishing and continuously operating the aforesaid industrial unit, has invested substantial amounts and has also availed a cash credit facility from the Jammu & Kashmir Bank. That the proprietor is presently under a financial liability of approximately Rs. 20 Lakhs towards the said bank.

That notwithstanding the aforesaid permissions, clearances, consents, and certificates issued by the competent authorities, the proprietor is being subjected to interference in its lawful operation, thereby seriously prejudicing his rights and causing substantial loss to him. That the respondent No. 2, who has his center established near the industrial unit, has been for last couple of weeks repeatedly interfering, with the functioning of the petitioner unit/stone crusher. That the respondent No. 2 has been through his subordinate officers, repeatedly visiting the petitioner's unit and causing impediment in the day-to-day functioning and operation of the same, by directing the proprietor unit to stop the work from time to time. That such interference has resulted unavoidable and substantial financial loss to the petitioner. That the

respondent No. 2 and his subordinate officials have also been continuously harassing and threatening the proprietor and his employees/workers.

That the respondent No. 2 has not disclosed any jurisdiction or lawful authority to discontinue or suspend the operation of the stone crusher, particularly when the competent statutory authorities have already granted the requisite permissions and consent to operate the unit. That the petitioner has neither been served with any notice nor afforded any opportunity of being heard before the start of aforementioned coercive interferences. That the proprietor of the unit is also being subjected to avoidable electricity expenditure on account of the repeated interferences and stoppage of the unit.

That on 20.09.2024, respondent No. 2 deputed approximately five police officers to the petitioner's unit with the specific intention of compelling the petitioner to close down the aforesaid establishment. That the said police officers entered the premises of the petitioner and pressurized the petitioner to stop the operation of the stone crusher. That the aforesaid incident dated 20.09.2024, along with other instances are duly captured, in CCTV footage installed at the petitioner's premises.

That the petitioner does not dispute the authority of the competent statutory bodies, to conduct inspection or to take action in the event of any violation of law. That the present case is not one where the stone crusher has been established and is being run upon Government land or without the requisite permissions, approvals and NOCs from the competent authorities.

That the subject industrial unit is the sole source of livelihood of the petitioner and his family who are

incurring a substantial loss on account of repeated interferences made by Respondent No. 2.

3. The petitioner has accordingly prayed for issuance of appropriate writs/directions in the nature of mandamus/prohibition;

- (I) *For commanding the respondents, particularly respondent No. 2 to refrain from interfering with the peaceful and lawful operation of the petitioners stone crusher namely M/S Alamdar Stone Crusher.*
- (II) *For commanding the respondents to permit the petitioner proprietor to operate his Stone Crusher in accordance with the permissions, approvals, NOCs and consent to operate, granted by the J&K Pollution Control Committee.*
- (III) *For prohibiting/restraining the respondents, particularly the respondent No. 2 and his sub-ordinate officers from visiting the petitioner's unit and stopping, obstructing or interfering with its functioning without there being any order or direction issued by the competent statutory authorities and without following the procedure prescribed by law.*

4. The learned counsel for the petitioner through his preliminary submissions and while reiterating his stand already taken in the detailed petition contended that petitioner unit has been operating since 21.09.2003 strictly in accordance with the law governing the field. That the proprietor of the unit has got all the requisite certificates/NOCs required in connection with the establishment and running of the stone crusher. That the respondent No.2 who is Principal of a Training Centre located near to the premises of the Stone Crusher has been unnecessarily and illegally interfering with the functioning of the Stone Crusher to the great prejudice and loss of the proprietor. He further submitted that the proprietor of the unit is a law-binding citizen who has never run the subject unit without any valid licence or certificate. It was further contended by the learned counsel that the concerned authorities are always within their jurisdiction and power to inspect the petitioner's unit and to pin point any legal deficiency in running the same.

5. In the facts and circumstances of the case, the Court is of the considered opinion that matter can be disposed of even at this threshold stage without notice to the other side by passing of appropriate directions which are not likely to prejudice the interests of the respondents and which otherwise are meant to be complied with by them.
6. No person including any public servant is permitted to exercise the powers firstly not vested in him and secondly where even such a power vests in him except in accordance with law.
7. Respondent No.2 in the event of any of his grievances can approach the competent authority vested with the powers to grant licenses/NOCs for establishment and operation of the petitioners unit.
8. Accordingly, the instant writ petition is ***disposed of*** with the direction to the respondents to allow the petitioner unit i.e., “*M/S Alamdar Stone Crusher*” to operate and run in accordance with the law governing the field with the liberty to the respondents 3 to 5 as also to all other competent authorities including the Pollution Control Committee to take necessary action in the matter in case of violation of any legal requirement.

9. *Disposed of.*

(MOHD YOUSUF WANI)
JUDGE

Srinagar

26.09.2026

“*Sakeena*”

