



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

WRIT PETITION (M/B) NO. 585 OF 2026

20TH JULY, 2026

Shubham Kumar Jain Petitioner

Versus

Uttarakhand Pollution Control
Board and others Respondents

Counsel for the petitioner : Mr. Parikshit Saini, learned counsel

Counsel for the respondents : Mr. Aditya Pratap Singh, learned
counsel for respondent No. 1

: Mr. Amarendra Pratap Singh, learned
Additional Advocate General
(through VC) with Mr. B.S. Parihar,
learned Additional Chief Standing
Counsel for the State / respondent
Nos. 2, 3 and 5

The Court made the following:

JUDGMENT: (per Sri Manoj Kumar Gupta, C.J.)

1) The petitioner is aggrieved by inter-departmental communications made by the authorities in relation to running of a mobile van fabrication workshop / manufacturing unit by the petitioner in the vicinity of the house of the complainant-respondent No. 6. It seems



that on basis of the complaint filed by respondent No. 6 a team of officers of the Uttarakhand Pollution Control Board measured the sound level in the premises of the complainant and found it to be 51.2 decibel, when the unit was not in operation and, 71.4 decibel when in operation. On basis of the same, the Regional Officer, U.K. Pollution Control Board has written to the Inspector I/c, P.S. Dehra Khas, Bamanwala, Patel Nagar, Dehradun, who is the implementing agency under the relevant provisions of the law that appropriate action be taken by him against the petitioner. The said communication is dated 19.05.2026, and is impugned herein. There is another communication by General Manager, District Industrial Centre, Dehradun dated 10.07.2026 also addressed to Inspector I/c of the same Police Station for taking proper action on basis of the complaint made by respondent No. 6 referring to a Government Order dated 09.06.2021, whereby officers of his rank have been notified as officers empowered to implement the norms prescribed under the relevant Rules.

2) The case of the petitioner is that as per Notification dated 09.06.2021, issued under the Noise Pollution (Regulation and Control) Rules, 2000, the various areas have been categorized into four categories.



The present site, according to him, lies in mixed user area where all kind of activities are permissible. He has placed reliance on Rule 5 where under in mixed usage areas, the District Magistrate has been entrusted with power to identify residential, commercial, industrial areas in consultation with the development authority / local body. According to him, so far the exercise of identifying the same has not been carried out by the District Magistrate. He submits that the respondents without identifying the residential area / commercial area / industrial area for which different norms are prescribed, are illegally enforcing the norms prescribed for residential areas.

3) The issue which is being raised by the petitioner would require a factual inquiry, therefore, we are of the opinion that the petitioner should, in the first instance, approach the authorities and point out the relevant facts so that they may take a decision accordingly.

4) The writ petition is disposed of with liberty to the petitioner to make representation before Regional Officer, U.K. Pollution Control Board within two weeks from today along with all relevant material on which he seeks to rely upon. The Regional Officer, U.K. Pollution Control Board shall decide the same by a speaking order



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after providing opportunity of hearing to the petitioner and respondent No. 6 as well as representative of the local body concerned, within next four weeks. Until such a decision is taken the enforcement of the impugned orders which are in the nature of inter-departmental communications shall remain in abeyance. In case the petitioner does not make representation within two weeks from today then the instant order would be of no avail and the writ petition would stand dismissed.

5) Pending application(s), if any, also stand disposed of.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 20TH JULY, 2026
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