



2026:UHC:1074-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

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

18TH FEBRUARY, 2026

WRIT PETITION (PIL) No. 232 OF 2025

Shri Satnam Singh Petitioner.

Versus

State of Uttarakhand and others. ...Respondents

Counsel for the petitioner	:	Sri A.S. Rawat, learned Senior Counsel assisted by Sri Gaurav Paliwal, learned counsel.
Counsel for the respondents	:	Sri B.S. Parihar, learned Additional Chief Standing Counsel and Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State of Uttarakhand. Dr. Kartikey Hari Gupta, learned counsel for respondent No. 5.

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

1. Heard Sri A.S. Rawat, learned Senior Counsel assisted by Sri Gaurav Paliwal, learned counsel for the petitioner, Sri B.S. Parihar, learned Additional Chief Standing Counsel with Mr. Yogesh Chandra Tiwari, learned Standing Counsel for the State of Uttarakhand and Dr. Kartikey Hari Gupta, learned counsel for respondent No. 5.

2. The present petition, filed in public interest, is for restraining the respondent-authorities from allowing the private respondent, namely, M/s Pea Fowl Smart Infrastructure Pvt. Ltd. through its partners to construct stone crusher over a land situated in Village Papadi and Sitapur Tanda, Tehsil Ram Nagar, District



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Nainital, as the case of the petitioner is that the construction is contrary to the mining policy and would adversely affect the environment.

3. The relief, aforesaid, has been sought principally on the ground that the private respondent has violated the conditions of the No Objection Certificate dated 27.12.2022 issued by the Executive Engineer, Irrigation Department, Ramnagar, Nainital, on basis of which, Consent to Establish the industry was granted in favour of the private respondent by the Uttarakhand Pollution Control Board.

4. It is noteworthy that before filing of the present writ petition, another WPPIL bearing No. 61 of 2023 titled as '*Rohan Chandrawati Tanay vs. State of Uttarakhand and others*' was filed, wherein also, various issues have been raised concerning the establishment of the unit by the same private respondent arrayed as respondent No. 6 to the said writ petition. In pursuance of the orders passed in the said PIL, the Uttarakhand Pollution Control Board carried-out inspection of the unit, which was being commissioned by the private respondent and it noticed as many as nine shortcomings. The said report has been brought on record in WPPIL No. 61 of 2023, along with the covering letter of the Regional Officer, Uttarakhand Pollution Control Board dated 06.03.2024.

5. After receipt of the report from the Pollution Control Board, the private respondent sought time to remove the defects



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and to apply again for obtaining 'Consent to Operate' from the Board. The same was granted to the private respondent vide order dated 15.03.2024 and the time was extended by orders dated 07.05.2024, 02.07.2024 and 10.09.2024.

6. The submission of the learned counsel for the private respondent is that in the present PIL, the petitioner, without disclosing about the pendency of the earlier PIL and also without impleading the Uttarakhand Pollution Control Board as a respondent, has succeeded in obtaining an order of *status quo* on 23.12.2025. It is urged that as the order of *status quo* has been passed and further construction activities have been stopped, therefore, the private respondent is unable to remove the defects pointed out by the Uttarakhand Pollution Control Board and consequently also, could not seek fresh 'Consent to Operate' as was permitted to be obtained in the connected PIL.

7. Sri A.S. Rawat, learned Senior Counsel appearing for the petitioner in the present PIL, is not in a position to dispute that No Objection Certificate was issued by the Irrigation Department only for the purpose of obtaining the 'Consent to Establish' the unit. Consequently, the Pollution Control Board was having power to examine the plea whether there was breach of any condition of the No Objection Certificate, on basis of which, the 'Consent to Establish' was granted.



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8. In view of the above admitted position, we find force in the submission that the Uttarakhand Pollution Control Board was a necessary party to the present proceedings.

9. For examining the veracity of the contention that there has been violation of the conditions imposed by the Irrigation Department while granting No Objection Certificate, a factual inquiry would be needed.

10. Consequently, we leave it open to the petitioner to approach the Uttarakhand Pollution Control Board with detailed objection within a week from today, along with true copy of the instant order. In the event, any such Application is filed by the petitioner, the Uttarakhand Pollution Control Board shall examine the same and take appropriate decision within next two weeks.

11. For a period of three weeks from today, the order of *status quo* would continue to operate and it would abide by the decision that would be taken by the Pollution Control Board in pursuance of the instant order. In case, the complaint is found to be baseless, the private respondent shall have right to proceed further with the construction activity in pursuance of the 'Consent to Establish' already granted in its favour by the Uttarakhand Pollution Control Board. However, in case the complaint is found to be correct, no further construction activity shall be done by the private respondent.

12. Accordingly, the instant PIL stands disposed of.



13. Pending application, if any, also stands disposed of accordingly.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 18th February, 2026
Rathour

PRAVINDRA
SINGH RATH

Digitally signed by PRAJENDRA SINGH RATHOUR
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