

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

**WP (C) No. 1968/2024
CM No. 5296/2024**

Ghulam Mohi-ud-Din Sheikh & Anr.

... Petitioner(s)

Through: -
Mr Saleem Gul, Advocate.

V/s

Deputy Commissioner, Kupwara and Ors.

... Respondent(s)

Through: -
Mr Bikramadeep Singh, Dy. AG.

CORAM:

Hon'ble Mr Justice Rahul Bharti, Judge.

(ORDER)
31.08.2024

01. Heard learned counsel for the petitioners.
02. Given the nature of issue being presented by the petitioners through the medium of this writ petition, this Court reckons that a disposal can be accorded to this writ petition at its inception.
03. The petitioner No.1 came to set up a stone crusher in the name of M/s Makhdoomi Stone Crusher, Khumriyal, Kupwara at the site of a land owned by his father-the petitioner No. 2 herein. The petitioner No.1 is stated to have set up this stone crusher in the year 2007 and is running it on continuous basis on the basis of due permissions from all the authorities concerned.
04. In the light of a circular No. JKPCC/PS/MS/2024/2678-84 dated 6th of February, 2024 issued by the Chairman, Jammu & Kashmir Pollution Control Committee requiring procurement and production of fresh No Objection Certificate (NOC) from the Deputy Commissioner concerned

regarding title verification of stone crusher site land and its usage as one time requirement before the case is submitted for renewal of Consent to Operate, the petitioner No.1, joined by his father-petitioner No.2, processed the case which resulted in issuance of a communication No. TK/OQ/24/473 dated 27th of June, 2024 from the end of the Tehsildar, Kupwara to the Additional Deputy Commissioner, Kupwara clearly setting out the facts and circumstances in favour of petitioner No.1 so as to enable him to earn the requisite verification for processing the renewal of his consent to operate, but for reasons unrevealed to the petitioners, further process of the case has got halted at the end of the Deputy Commissioner, Kupwara constraining the petitioners to approach this Court.

05. Given the nature of controversy involved, this writ petition is disposed of with a direction to the respondent No.1-Deputy Commissioner (District Magistrate), Kupwara to take and conclude the exercise with respect to issuance or non-issuance, as the case may be, of requisite title verification certificate in favour of the petitioners as required in terms of circular dated 6th of February, 2024 within a period of ten days from the date of certified copy of this order to be submitted to the Deputy Commissioner (District Magistrate) by the petitioners.

06. **Disposed** of, along with the connected CM.

(Rahul Bharti)
Judge

SRINAGAR
August 31st, 2024
"TAHIR"