

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 14 OF 2025**

(UNDER SECTION 18 READ WITH SECTION 14 AND 15 OF THE NGT ACT, 2010]

IN THE MATTER OF:

Zahoor Ahmad DarApplicants
VERSUS
Union Territory of J&K & Ors.Respondents

INDEX

S.No	PARTICULARS	PAGE NOS .
01.	Additional Affidavit of the Applicant	01 to 02
02.	<u>ANNEXURE A-1:-</u> True copy of RTI Reply and all related documents of JKPCC	03 to 46
03.	<u>ANNEXURE A-2:-</u> Copy Of Geo-Coordinated Photographs Of the Seal and it's removal	47 to 48

THROUGH

Zahoor Ahmad Dar
21/8/25

Zahoor Ahmad Dar

(Applicant in person)

Naidkhai Sonawari

District Bandipora J&K 193501

Email zzahoor013@gmail.com

Mobile NO. 9149407486

Place :-Naidkhai Sonawari

Date: **01** August/2025

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 14 OF 2025**

(UNDER SECTION 18 READ WITH SECTION 14 AND 15 OF THE NGT ACT, 2010)

IN THE MATTER OF:

Zahoor Ahmad Dar ...Applicant

VERSUS

Union Territory of J&K & Ors.RESPONDENT

ADDITIONAL AFFIDAVIT OF THE APPLICANT

MOST RESPECTFULLY SHOWETH:

I, Zahoor Ahmad Dar, S/o Haji Abdul Rahim Dar, aged about 48 years, R/o Laribal Pushwari, Naidkhai, P.O. Sonwari, District Bandipora, do hereby solemnly affirm and state as under.

1. That the present matter is listed before this Hon'ble Tribunal on 04.08.2025.
2. That I am the Applicant in the above-mentioned matter and am fully conversant with the facts and circumstances of the case. I am competent to swear this affidavit.
3. That although the said unit is not currently operational, it was previously functioning in blatant violation of environmental laws without obtaining the mandatory Consent to Establish (CTE) and Consent to Operate (CTO) from the Jammu & Kashmir Pollution Control Committee (JKPCC).
4. That the said unit was established in a densely populated residential area, and its past operation caused significant noise pollution and strong vibrations, severely affecting the health and peaceful life of nearby residents, including children and elderly persons.
5. That in the last order dated 05.05.2025, this Hon'ble Tribunal directed the Applicant to file a rejoinder. However, Respondent No. 7 has failed to file any reply or response for over three months. Therefore, the Applicant cannot file a rejoinder in the absence of any response from Respondent No. 7, which is a clear violation of the Tribunal's order.

M. A. Murta (Advocate)
Munsif Court Sumbal
Notary Public

- 6. That the noise levels generated by the unit during its previous operation exceeded the permissible residential limits and caused serious health concerns, including sleep disorders and cardiovascular issues among the residents.
- 7. That Respondent No. 7 had also filed Civil Suit OS No. 2535-2024, as mentioned in the initial order. However, the stay granted in that case was vacated on 15.07.2025, and the suit itself was withdrawn on 28.07.2025. The said withdrawal has been recorded in the court of the Learned Chief Judicial Magistrate (CJM), Srinagar.
- 8. That after the sealing of the unit by the Executive Magistrate First Class, the seal was illegally removed by unknown persons on 27.07.2025. No further sealing or enforcement action has been taken by the authorities thereafter, despite the fact that the complainants submitted a formal request before the Tehsildar Executive Magistrate First Class for re-sealing of the unit. However, no effective action has been initiated till date. It is therefore necessary that Respondent No. 4 be directed to ensure full and effective implementation of Closure Order No. 120 of 2025 in letter and spirit.
- 9. "It is respectfully prayed that this Hon'ble Tribunal may kindly direct all the Respondents that the unit shall not operate without obtaining the mandatory Consent from the Jammu & Kashmir Pollution Control Committee (JKPCC) in the future. If the unit is found operating illegally, the Members of the Pollution Control Committee shall be at liberty to impose Environmental Compensation, in view of the principles of natural justice."

Zahoor Ahmad Dar
 DEPONENT
 18/07/25

VERIFICATION

Verified on this 31, Day of JULY 2025 at Nainital that the contents of the above-mentioned Additional Affidavit are true and Correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

Certified that the execution of the document affirmed on oath by the deponent today on 31-07-2025 who is identified by Zahoor Ah

Zahoor Ahmad Dar
 DEPONENT
 18/07/25

M. A. Kurja (Advocate)
 Munsif Court Sumbal
 Notary Public

[Handwritten Signature]



Government of Jammu & Kashmir (U.T)

Pollution Control Committee

Sheikh-ul-Alam Campus, Rajbagh, Near Government Silk Factory, Srinagar-190008

www.jkspcb.in Email: regionaldirectorkmr@gmail.com Tel/fax 01942311842

Sh. Abid Amin Wani,
R/o Naidkhai, Sumbal,
District Bandipora-193501

No: PCC/ROK/Estb/P-RTI/2025/33/ 225-29

Dated: 06/06/2025.

Subject: Reply to the application for information under RTI Act- 2005

With reference to the application referred above on the noted subject the point wise reply sought from the DO, PCC, Bandipora vide No: PCC/Bpr/RTI/2025/1107 dated: 28-05-2025 is here in below for information under RTI Act 2005.

S.No.	Question	Reply.
1.	Copy of Rejection letter and all documents related to CTO, application No.2737195 rejected on 31-12-2024 includes the system generated rejection	Online application no: 2737195 met automatic rejection on 14-02-2025 as industry not resubmitting application within 45 days . Copies of documents uploaded in same online application are enclosed for reference under RTI Act.
2.	Copy of latest report or reply submitted by RD, PCC in connection with the report of the Hon'ble NGT in OA No. 14 of 2025. Kindly provide copies of objection raised in Civil Court in the matter.	The report submitted by the Regional Director, PCC, Kashmir to the Member Secretary, J&K PCC on 14-02-2025 with regard to the Hon'ble NGT OA No. 14 of 2025 and also fresh report dated: 04-06-2025 is also enclosed for ready reference under RTI Act,2005. The objection raised in civil court in the matter pertains to J&K PCC, Central Office, Jammu.
3.	Copies of all legal notices issued to Wani Bricks & Tiles including the most recent notice issued by Naidkhai Bandipora.	The copies of the legal notices served to the unit in question by the J&K PCC are enclosed for reference under RTI Act.
4.	Copy of letter sent by DC, Office Bandipora vide No. DCB/Legal/2025/212-13 dated:24-04-2025 to Member Secretary, J&K PCC and alongwith the reply of communication sent by J&K PCC in esponse to that letter.	The subject matter pertains to the Public Information Officer J&K PCC, (Central Office).
5.	Detail of action taken by JK PCC to impose Environmental Compensation on Wani Brick & Tiles Naidkhai for operating without mandatory consent.	No Environmental Compensation slapped against the industry as per the report of the DO, PCC, Bandipora.
6.	Provide copy of all documents available in the official file and legal section related to Wani Bricks and tiles and Hollow Brick Block Machines.	Copies of all documents uploaded in online application and copies of report of this office dated: 01-02-2025, 07-04-2025, 16-04-2025 & 28-04-2025 alongwith the photographs and forwarding letter to the Member Secretary, J&K PCC by RD, PCC, Kashmir dated:30-04-2025 are enclosed for reference under RTI Act. (enclosures. Same as point 1.

A
Regional Director
(Public Information Officer)
PCC, Kashmir. *6/6/2025*

Copy to the:

1. Member Secretary,(First Appellate Authority), J&K PCC, Jammu.
2. Administrative Officer, (Public Information Officer), Central Office, J&K PCC, Sgr.
3. Divisional Officer (APIO), PCC, District Bandipora for information. This is in reference to your letter No: PCC/Bpr/RTI/2025/1107 dated: 28-05-2025.
4. I/c NGT Cell. PCC, Srinagar for information.

15/6/2025
AB
True Copy



Government of Jammu and Kashmir
Office Of The
Deputy Commissioner Bandipora

E-Mail: aratodcbpr@gmail.com | Phone: 01957-226085 | Fax: 01957-226051

The Tehsildar,
Hajin.

No.DCB/Legal/2025/ 546-48

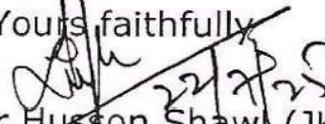
Dated:- 22.07.2025

Sub:-Closure Order of M/s Hallow Block Unit at Naidkhai.

Sir,

Regarding the subject captioned above, kindly find enclosed herewith a copy of order bearing No. 120-PCC of 2025 dated 17.07.2025 received from J&K Pollution Control Committee for favor of information and further course of necessary action.

Yours faithfully,


Zaffar Husson Shawl (JKAS),
Addl. Deputy Commissioner
Bandipora.

Copy to:

1. Member Secretary, JKPCC, Jammu for favour of information.
2. Divisional Officer, PCC Bandipora for information.

**Jammu and Kashmir Pollution
Control Committee**
chairman87jkspcb@gmail.com
membersecretaryjkspcb@gmail.com
0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex
Transport Nagar, Jammu, 180 006
Silk Factory Road
Rajbagh, Srinagar, 190 008

Sub:- Closure Order of M/s Hollow Block Unit of Mr. Aijaz Ahmad Wani at Laribal Naidkhai, District Bandipora.

ORDER No.: 120-JKPCC of 2025
DATED 17 -07-2025

Whereas, closure of M/s **Hollow Block Unit of Mr. Aijaz Ahmad Wani at Laribal Naidkhai, Bandipora**, was ordered by the JKPCCC vide order No. **71- JKPCCC of 2024** dated **27-05-2024**, for the failure of the proprietor of Hollow Block Unit to obtain mandatory consent of the JKPCCC; and

Whereas, the aforesaid order of the J&K PCC was implemented by the District Administration Bandipora and the unit was closed and sealed; and

Whereas, the unit holder filed a Civil Suit before the Court of Learned Chief Judicial Magistrate, Srinagar, OS No. 2535/2024 titled Aijaz Ahmad Wani Vs UT of J&K & Ors, wherein the Hon'ble Court by virtue of its Order dated 28.10.2024 passed the following directions:-

“ In the mean time, till final disposal of the main suit the order dated 27.05.2024 bearing No. 71 JKPCCC of 2024 shall remain in abeyance and the defendant No. 2 is directed to de-seal the unit of the plaintiff ”

Whereas, in compliance to the aforesaid order of the Chief Judicial Magistrate Srinagar dated 28.10.2024 passed in OS(Original Suits) No. 2535/2024 titled Aijaz Ahmad Wani Vs UT of J&K & Ors, the Closure Order No. **71 JKPCCC of 2024** dated **27.05.2024** issued by the J&K PCC was kept in abeyance, vide order No. 288- JKPCCC of 2025 dated 08-01-2025, subject to outcome of the OS(Original Suits) No. 2535/2024 titled Aijaz Ahmad Wani Vs UT of J&K & Ors; and

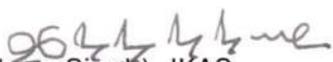
Whereas, the above referred civil suit was contested by the J&K, Pollution Control Committee before the court of Learned Chief Judicial Magistrate, Srinagar which vide its order dated 15-07-2025 was pleased to reject the application of the plaintiff for interim relief and have also vacated the interim order dated 28-10-2024, the operative portion of the order is reproduced as under;

25/07/2025

“9. Falling in line with the authoritative judgment supra, I need not to determine the other two requisites, when the very first is missing. For all what has been discussed above, application for interim relief is devoid of any merit are accordingly rejected and order dated 28-10-2024 is vacated. Min file is to come up for recording of preliminary statement on-----”

Now, therefore, in view of the aforesaid stated reasons and vacation of the interim order of the Learned Chief Judicial Magistrate, Srinagar dated 28-10-2024, the **Abeyance Order** of the J&K PCC No. 288-JKPCC of 2025 dated 08.01.2025, is hereby **withdrawn, abinitio**.

Issued with the Approval of Competent Authority.


(Ghansham Singh), JKAS 17.7.25
Member Secretary,
JKPCC, Jammu

No: JK PCC/LSK/ 5879653/1053-1061

Dt.: 17/07/2025

Copy to the :-

- i. Deputy Commissioner, Bandipora for information and necessary action.
- ii. Regional Director, PCC, Kashmir for information.
- iii. Chief Engineer, Kashmir Power Distribution Corporation Ltd. (KPDCL), Kashmir for information.
- iv. Executive Engineer, KPDCL Electric Division, Naidkhai Bandipora for information.
- v. Executive Engineer, PHE Naidkhai Bandipora for information.
- vi. Divisional Officer, PCC, Bandipora for information and necessary follow up.
- viii. I/c Website, J&K Pollution Control Committee, Kashmir/Jammu
- ix. **M/s Hollow Block Unit of Mr. Aijaz Ahmad Wani at Laribal Naidkhai, Bandipora for information.**



Government of Jammu & Kashmir
J&K POLLUTION CONTROL COMMITTEE

OFFICE OF THE REGIONAL DIRECTOR - KASHMIR

Sheikh-ul-Alam Campus, Rajbagh, Near Government Silk Factory, Srinagar-190008
 www.jkspcb.in Email: regionaldirectorjkm@gmail.com, Tel/fax 0194-2311842

Sh. AJAZ AHMAD WANI,
 PROP. OF M/s WANI BRICKS & TILES,
 LARIBAL, NAIDKHAJ, DISTRICT BANDIPORA.

Legal Notice
 (By Regd. Post)

No: PCC/ROK/LS (NGT)/LN-1/2025/ 619-22

Date:- 24-04-2025

Subject: - Notice for initiating legal action under Environmental Laws.

- Whereas, no unit can be established or put in operation without mandatory consent of the Pollution Control Committee and without proper pollution control devices/pollution control measures as envisaged under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
- Whereas, a formal complaint has been received with the Pollution Control Committee against operation of a hollow bricks & tiles unit installed by you in the residential area of village Laribal, Naidkhaj, Bandipora.
- Whereas, one Sh. Zahoor Ahmad Dar, the local resident living nearby the unit in question is feeling aggrieved by pollution generated from machinery of the unit has raised objections against its operation in OA No. 14/2025 titled, "Zahoor Ahmad Dar V/s UT of J & K" before the Hon'ble National Green Tribunal, New Dehli.
- Whereas, the consequent report dated 07-04-2025 as submitted by the Divisional Officer, Pollution Control Committee, Bandipora in verification has revealed that you have installed the afore-said unit and operating the same at the specified location without mandatory consent from the Pollution Control Committee and that too without adequate pollution control devices and pollution control measures prescribed by the Pollution Control Committee for these units.
- Whereas, operation of the afore-said unit with above status is detrimental and harmful to the environment and the human life besides being violation in view of above quoted provisions of the Law is punishable under Section-15 of the Environment (Protection) Act, 1986 which states: "Whosoever fails to comply with or contravenes any of the provisions of this Act, and Rules made or orders or directions issued thereunder, shall be punishable with imprisonment for upto five years or with fine upto one Lakh Rupees, or with both." Now, therefore, in light of the above, you are hereby directed to stop the un-authorized and un-consented operation of the unit in question at the specified location forthwith and show cause within 15-days from issuance of this notice as to why action proposed be not taken against you and as to why the closure of the unit be not ordered. In the event of your failure to show any reasonable cause within notice period, action shall become obvious in the matter which shall include closure of the unit as well.


 Regional Director,
 Kashmir.
 24.04.2025

Copy to:-

1. Member Secretary, JK PCC, Jammu for information.
2. Deputy Commissioner/District Magistrate, Bandipora for information and necessary action.
3. Divisional Officer, PCC, Bandipora for information and follow up action to submit the action taken report in the matter within notice period. This is with



Government of Jammu & Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR - KASHMIR

Sheikh-ul-Altam Campus, Rajbagh, Near Government Silk Factory, Srinagar-190008
www.jkspcb.in Email: regionaldirectorjkmr@gmail.com, Tel/fax: 0194-2311842

The Member Secretary,
JK Pollution Control Committee,
Jammu.

No: PCC/ROK/LS (NGT)/2025/ 709-10

Date:- 04-06-2025

Subject: - Violation of Hon'ble National Green Tribunal (NGT), New Delhi order in OA/14/2025.

Reference:- Your letter No. JKPC/Sc./OA-14/2025/290 dated 19-05-2025.

Sir,

In context with the subject and reference cited above, it is hereby submitted that the instant unit namely *M/s Wani Hollow Blocks & Tiles Manufacturing Unit at Laribal, Naidkhai, Bandipora* has not responded to this office notice No. PCC/ROK/LS (NGT)/LN-1/2025/619-22 dated 24-04-2025 neither the directions issued therein has been complied with by the unit holder, however, noteworthy to mention that a compliance report vide No. PCC/Bpr/NGT/legal/2025/1073 dated 13-05-2025 (copy whereof enclosed) filed by the Divisional Officer, PCC, Bandipora reveals that the unit in question under persistent complaints has been found still operating illegally and un-authorizedly without mandatory consent from the Pollution Control Committee and the matter is ceased before the Hon'ble NGT in OA No. 14/2025 titled, "*Zahoor Ahmad Dar (Complainant) V/s Union Territory of J & K and Ors*" whereby, the applicant namely *shri Zahoor Ahmad Dar*, a local resident living nearby the unit is raising objections against operation of the unit in question and pollution problems thereof besides feeling aggrieved of the jurisdiction of bar of the Civil Court which has passed the order in the civil suit wherein the closure order dated 27-05-2024 of the JKPC has been put in abeyance, and the Hon'ble NGT while considering the entire matter was pleased to issue the order dated 22-01-2025, the operative portion whereof is required to be read as under:-

"No civil court shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken or order or direction issued by the Central Government or any other authority or officer in pursuance of any power conferred by or in relation to its or his functions under the Water/Air & Environment (Protection) Acts, as such; the Hon'ble NGT is directing the respondent Pollution Control Committee to bring the said jurisdictional bar to the notice of the Civil Court which has passed the order in the civil suit wherein the order of the J&KPC dated 27-05-2024 passed under the Water Act, Air Act and E(P) Act has been stayed and at the same time, the respondents arrayed in the instant OA must file the response/reply in the matter at least one week before the next date of hearing."

Owing to above, the matter being sub-judice and an appropriate action is to be thus, taken in compliance with the directions of the Hon'ble NGT and in terms of legalities and regulatory formalities arising out of the Hon'ble NGT's order quoted hereabove. Hence, submitted for kind perusal and further course of necessary action please.

Encls:- A/a:

Copy to:-

1. Divisional Officer, PCC, Bandipora for information. This takes reference to the report submitted vide No. PCC/Bpr/NGT/legal/2025/1073 dated 13-05-2025.

Regional Director,
Kashmir.



Government of Jammu & Kashmir
Jammu & Kashmir Pollution Control Committee
Office of the District Officer Bandipora.

The Regional Director
 J&K PCC Kashmir

(Through e-mail)

No:- PCC/Bpr/legal/2025/1013

Dated:-07/04/2025

Subject:-Present status of M/S Wani Bricks & Tiles at Laribal Naidkhai prop:-Sh. Aijaz Ahmad Wani

Reference:- Hon'ble NGT observations/directions dated 22/01/2025 in the O.A. No.14/2025 titled Zahoor Ahmad Dar V/S UT of J&K & Ors.

Sir,

in continuation to this office earlier report vide No:-PCC/Bpr/legal/2025/948,dated:-07/02/2025, following lines are put forward regarding subject matter:-

(1) That proprietor of subject unit had applied to J&K PCC for CTO(F) on,31/03/2022 vide online application number 2737195.

(2) That on account of a complaint from nearby residents,unit was served Legal Notices followed by Closure Order vide Order No.71 JKPC of 2024,dated:-27/05/2024 which was implemented by local administration in July,2024.

(3) That proprietor of unit challenged Closure Order before Hon'ble Civil Court & Hon'ble Court directed respondents for putting Closure Order in abeyance & J&K PCC vide Order No.288 JKPC of 2025,dated:-08/01/2025 put Closure Order dated 27/05/2024 in abeyance.

(4) That complainant Sh.Zahoor Ahmad Dar filed in a case before Hon'ble NGT under O.A. No.14/2025 & Hon'ble NGT conducted hearing of the case on,22/01/2025 wherein respondents were served notices to file in their responses before the Hon'ble NGT one week prior to next date of hearing i.e, 05/05/2025.

(5) That complainant Sh. Zahid Ahmad Dar complained(telephonically) against unauthorised operation of unit yesterday on,06/04/2025(Sunday). Proprietor of the unit in question was telephonically cautioned on,06/04/2025 for suspension of operation of unauthorised unit henceforth but he showed a negative response.

(6) That today in the morning,complainant Sh. Zahoor Ahmad Dar shared some photographs/video clips of operation of the unit. In order to verify veracity of the complaint regarding unauthorised operation of the unit,this office conducted inspection of the unit today at around 10:15 am. Freshly manufactured Hollow Bricks were witnessed during the inspection which indicates unauthorised operation of the unit.Promoter of the unit revealed(verbally) that he has been operating his unit for last 2 days during morning hours(07:00-09:45 am). Inspection of the unit by this office dated 07/04/2025 authenticates unauthorised operation of the unit in question.Photographic evidence attached for reference.

Submitted for the favour of information and appropriate necessary action against the unit.

Yours faithfully

(Signature)
 District Officer

PCC Bandipora



Government of Jammu & Kashmir
Jammu & Kashmir Pollution Control Committee
Office of the District Officer Bandipora.

The Regional Director,
PCC, Kashmir

No:-PCC/BPR/Noise Monitg./2022/283

Dated: - 29-10-2022

Subject:-Noise monitoring report of M/s Wani Bricks & Tiles at Laribal Poshwari Naldkhai Hajin District Bandipora.

Sir,

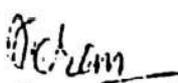
As per your direction, the field assistant Mr. Mohammad Ashraf Khan of PCC Bandipora, visited the above mentioned unit/site and carried out the desired Noise Monitoring of the unit, the results are given below:

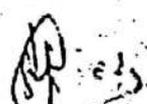
S.No.	Date of Sampling/ Noise level Monitoring	Sampling/Noise level Monitoring Site	Results (dB)
01.	21-10-2022	inside the premises, near the boundary wall of the unit on school side of the unit.	56
02.	-Do-	Inside of the premises adjacent to the residential houses of Mohammad Amin wani (Complainer)	59
03.	-Do-	Inside the premises adjacent to residential houses of Zuhoor Ahmad Dar (Complainer)	58

Note: - As per report, noise monitoring is higher than the permissible limits of residential area.

- (1) All Values are in decibels (dB)
(2) Permissible limits, (Day time)

01. Industrial Area =75dB
02. Commercial Area =65dB
03. Residential Area =55dB
04. Silence Zone =50dB


Field Assistant
PCC Bandipora


Divisional Officer
PCC, Bandipora



Government of Jammu & Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR - KASHMIR

Sheikh-ul-Alam Campus, Rajbagh, Near Government Silk Factory, Srinagar-190008
 www.jkspcc.in Email: regionaldirectorjkm@gmail.com, Telfax 0194-2311842

The Member Secretary,
 JK PCC, Jammu.

No: PCC/ROK/LS (NGT)/2025/ 73

Date: 14/2/25

Subject: - Original Application No. 15/2025 titled, "Zahoor Ahmad Dar V/s Union Territory of J & K & Ors."

Reference: - Notice & Hon'ble NGT order dated 22-01-21025 In OA No. No. 15/2025.

Sir,

Apropos to the subject and reference cited above, it is to inform that there is a hollow bricks/blocks & tiles manufacturing unit under the name & style of, "M/s Wani Bricks & Tiles" of Respondent No. 7 (Ajaz Ahmad Wani) at Naidkhal, Bandipora not consented by the PCC. Persistent complaints poured in against operation of this unit and pollution problems in respect thereof particularly the noise generated from machinery and DG-Set of the unit becomes cause of discomfort and disturbance to the people living nearby which has resulted in issuance of the closure order bearing No. 71 PCC of 2024 dated 27-05-2024 passed by the Member Secretary, JK PCC against operation of the unit in question.

Afterwards, the unit holder has filed a writ petition bearing WP (C) No. 1282/2024 titled, "Ajaz Ahmad Wani V/s Union Territory of J & K & Others" before the Hon'ble High Court whereby prayed for that no any decision has been taken by the respondent Pollution Control Committee in terms of the application dated 09-04-2024 applied by him for the consent since two years back. While considering the entire matter, the Hon'ble High Court has disposed of this petition by virtue of its order dated 07-06-2024 (copy whereof is enclosed), the operative portion whereof is thus required to be read as under:-

"Having regard to the submissions made by the learned counsel for the petitioner and regard being had to the nature of relief prayed for, this writ petition is disposed of at this stage by directing the respondent-Pollution Control Committee to consider and take final decision on the application of the petitioner stated to have been filed on 9th April, 2024, by passing a speaking order within a period of four weeks and intimate the same to the petitioner."

The Divisional Officer, PCC, Bandipora in its report bearing No. PCC/Bpr/Legal/2024/673-74 dated 29-05-2024 (copy whereof enclosed) sought from him in pursuance to the Hon'ble High Court's order afore-said has accentuated that no any application dated 9th April, 2024 has been made by the petitioner for consent through online JKOCMMS except Consent to Operate (Fresh) application vide ID No. 2737195 was submitted by the petitioner on-line on 31-03-2022 which stands returned to him for rectification of short-comings/& deficiencies arising out in examination of the instant case. The petitioner has not responded as such, consent application submitted by the petitioner has not been approved by the PCC. Moreso,

P.T.O. (Page 1 of 2)

in compliance to the Hon'ble Civil Court's order dated 28-10-2024 (copy whereof enclosed) passed by the Hon'ble Chief Judicial Magistrate, Srinagar in another civil suit bearing DS No. 2535/2024 titled, "Ajaz Ahmad Wani V/s Union Territory of J & K and Others" projected by the unit holder before the Hon'ble Court of Chief Judicial Magistrate, Srinagar, Closure order mentioned hereinabove was kept in abeyance vide order No. 288-JKPCC of 2025 dated 08-01-2025, subject to outcome and final disposal of the civil suit.

Now, the afore-titled OA is filed by Sh. Zahoor Ahmad Dar before the Hon'ble National Green Tribunal and in the entire matter, the Hon'ble NGT has pointed out that *"No civil court shall have jurisdiction to entertain any suit or proceeding in respect of anything done, action taken or order or direction issued by the Central Government or any other authority or officer in pursuance of any power conferred by or in relation to its or his functions under the Water/Air & Environment (Protection) Acts as well directing the respondent Pollution Control Committee to bring the said jurisdictional bar to the notice of the Civil Court which has passed the order in the civil suit wherein the order of the J&KPCC dated 27-05-2024 passed under the Water Act, Air Act and EP Act has been stayed and at the same time, the respondents arrayed in the instant OA must file the response/reply in the matter atleast one week before the next date of hearing fixed on 05-05-2025 is apparent on perusal of the order dated 22-01-2025 (copy whereof is enclosed herewith) issued by the Hon'ble NGT.* Hence, in terms of legalities and regulatory formalities arising out of this Hon'ble NGT's order, the instant case is hereby submitted for further course of action as required in the matter please.

Encls: - A/a.


Regional Director,
Kashmir.
14-02-2025

OFFICE OF THE PRINCIPAL
GOVT. BOYS HIGHER SECONDARY SCHOOL NAIDKHAI
Email: hssnaidkhai@gmail.com

No.: HSS/NK/22/ 880

Date: 12.04.2022

The Tehsildar,

Hajin

Subject: Complaint regarding illegal installation of cement brick manufacturing unit.....reg

Sir,

Kindly refer to the subject cited above. In this context, I am to inform your good self that **Mr. Aijaz Ahmad Wani S/o Ghulam Ahmad Wani of Naidkhai** has illegally installed a cement brick manufacturing unit without proper permission sideby of **Govt HSS Naidkhai** school, which produces a lot of unbearable noise and air pollution in the school and hinders the class work of the students in the school. The teaching staff as well as students are disturbed due to the noise arising out of manufacturing unit.

So your good self is requested to take necessary steps to close/displace the illegally raised cement brick manufacturing unit.

Hope for rapid and radical action in this matter and oblige.

Thanks, Sir

Yours faithfully

35
12/04/22

NT-Concerned

Aijaz
Principal
Govt. H.S. Institute
Naid Khai, Sonawari

IN THE COURT OF CIVIL JUDGE SR. DIVISION/CJM SRINAGAR

CNR NO: JKSG-0200-4687-2024

File No: IA/01/2024

Date of Inst: 28.09.2024

Date of Order: 15.07.2025

IN THE CASE OF:

1. Ajaz Ahmad Wani S/o Ghulam Ahmad Wani
R/o Naidkhai, Hajan, Bandipora

...Plaintiffs

Adv. Younis

V E R S U S...

1. UT of J&K through Pollution Control, Board
2. Member Secretary Pollution Control, Committee
3. Regional Director, Pollution Control Committee
4. Deputy Commissioner Bandipora

..Defendants

Adv. Aarifa Amin Tak along Law officer for defendant 1 to 3
Nemo for defendant no. 4, who are in exparte.

In the Matter of:

Application for interim relief

IN/AND

CIVIL ORIGINAL SUIT

O R D E R

CORAM: ADIL MUSHTAQ AHMAD (JK00163)

1. An application for interim relief is on board whereby the plaintiff has prayed before this court that till final disposal of the main suit, the order dated 27.05.2024 bearing No. 71 PCC of 2024 be kept in abeyance and the defendant be directed to de-seal the unit of the plaintiff immediately in the interest of justice.
2. As per the plaint, the plaintiff is aggrieved of order bearing no. 71-PCC of 2024 dated 27th of May 2024 issued by the defendant no. 2 whereby the Deputy Commissioner, Bandipora i.e, defendant no. 4 has been directed to get the unit of the plaintiff closed. The aforesaid order as per the plaint has been issued by the defendant no.2 without affording any opportunity of being heard to the plaintiff and moreso, the unit of the plaintiff does not fall within the ambit of the Act under which the action has been taken place by the defendant no. 2. It is projected that in order to run the aforesaid Unit, the plaintiff also applied before the Power Development Department for obtaining the electricity connection for purpose of running the aforesaid Unit. Further as per the plaint, the mixer installed by the plaintiff in his Unit has to be run only

Ajaz A. Wani vs. UT of J&K & Ors

CNR NO: JKSG-0200-4687-2024

on electric motor. Therefore, the Power Development Department, accordingly installed the electricity connection in the Unit under installation No. BRK/MILL BP/NK. The Unit of the plaintiff as per the plaint does not require any big machinery, but only minor machinery, therefore, the Power Development Department sanctioned the electricity load of 7.5 KW, which is required in micro units. Plaintiff as per the plaint had applied for defendant pollution control committee along with all perquisites in an online mode . Further it is averred that since the action of the respondents was contrary to law, therefore the plaintiff approached the Hon'ble High Court through the medium of writ plaint bearing WP (1282/2024 seeking direction upon the defendants to decide his application and the Hon'ble court directed the defendants to consider their application of the plaintiff with in a period however same has not be decided till today. The aforesaid application for obtaining the consent to run the micro Unit at Hajin, Bandipora was received by the defendant Pollution Control Committee on 9th of April, 2022 and, as per the provisions of the Act of 1974 and 1981, the defendants were supposed to decide the said application filed by the Plaintiff for grant of sanction within a period of four months after the receipt of the application. Further it is projected that the Act of 1974 clearly envisages that the consent, unless given or refused earlier, be been have to deemed given unconditionally on the expiry of a period of four months of the making of an application in this behalf. However, in the instant case, the Defendant-Pollution Control Committee, despite receiving the application and acknowledging the same on 9th of April, 2022, failed to decide the said application within four months, as is prescribed in the Act of 1974 and the Act of 1981. Even though, as per the aforesaid provision of law, the application not decided within four months would amount to granting of unconditional consent but the Defendants neither decided the application filed by the Plaintiff for grant of consent nor they were allowing the Plaintiff to operate the Unit, stated hereinabove, the aforesaid impugned Order dated 27th of May, 2024 has been issued by the Defendant No.2 without affording any opportunity of being heard to the Plaintiff and, more so, neither any show

cause notice the aforesaid impugned Order itself was ever served upon the Plaintiff.

3. Following relief has been sought by the plaintiff in the plaint:
 - A decree of declaration declaring the order no. 71-PCC of 2024 dated 27th of May 2024 issued by the defendant no. 2 as null and void non-est in the eyes of law, based and accordingly be quashed and set aside to the extent of plaintiff.
 - A decree of mandatory injunction by virtue of which the defendants be commanded to allow the plaintiff to run the hollow brick unit as usual and not cause any sort of impediment, interference and hurdle in smooth operation of unit.
 - A decree of permanent prohibitory injunction by virtue of which defendant be permanently restrained from causing any hurdle in smooth operation of unit.
 - Any other order or decree which this court may deem fit and proper in the circumstances of the case and can be also passed in favour of plaintiff and against the defendants as same shall be in the interest of justice.
4. The record before the court would indicate that this court in terms of order dated 28.10.2024, when the defendants despite due service choose not to appear passed the following direction:

“In the meantime, till final disposal of the main suit the order dated 27.05.2024 bearing no. 71 of PCC of 2024 shall remain in abeyance and the defendant no. 2 is directed to de-seal the unit of the plaintiff. This order, however, would be subject to objections from otherside who shall be at liberty to apply, for vacation, modification, cancellation and revocation of the order even before the next date fixed in the matter.
5. Defendants have entered appearance before the court only on 19.04.2025 in the main suit but in between on 13.02.2025 had filed written statement in the matter. As per the written statement, the suit of the plaintiff is misconceived and incorrect besides being without merit, as such deserves to be dismissed. It is submitted that the plaintiff has not come before this court with clean hands and is guilty of misrepresentation of facts, as such, the suit is liable to

be dismissed. The plaintiff has also suppressed the material facts and misrepresented the factual and legal position as such is not permissible. It is further submitted that this court has no jurisdiction to entertain the suit as the jurisdiction of civil courts is barred in terms of section 46 of Air (Prevention & Control of Pollution) Act, 1981 and section 58 of Water (Prevention & Control of Pollution) Act, 1974. As such the suit deserves to be dismissed. It is further submitted that the answering defendants have ensured that every application seeking consent for establishment/operation of a unit qualifies the requisite criteria/condition precedent for the establishment of particular unit as laid down by the government from time to time as well as inconformity to the environmental legislation. It is further submitted that on account of persistent complaints filed against operation of unit of the petitioner at the specified location and pollution problems in respect thereof particularly the noise generated by the machinery of the unit, show cause notices were issued to the plaintiff as to why unit shall not be closed, specific to mention herein is the notice dated 12.03.2024, however, the plaintiff failed to justify his actions with regard to complaints filed against the operation of the unit and consequently the unit was again inspected by the respondent committee through District Officer concerned, and the report submitted would reveal that the status of the plaintiff's unit remained unchanged. It is further submitted that the regional director pollution control committee, Kashmir vide communication dated 16.05.2024, confirmed the report of the Divisional Officer, Bandipora and accordingly recommended closure of the unit of plaintiff and in exercise of powers vested in J&K Pollution Control Committee under section 13-A of Water (Prevention & Control of Pollution) Act, 1974 and section 31-A of Air (Prevention & Control of Pollution) Act, 1981 r/w section 5 of the Environmental Protection Act, 1986 closure of Hallow Block unit of the plaintiff was issued vide order No. 71 JKPC of 2024 dated 27.05.2024. As such the instant suit deserves to be dismissed as the plaintiff failed to obtain mandatory consent from J&K Pollution Control Committee, as required under section 25/26 of the Water (Prevention & Control of Pollution), Act 1974 and section 21 of the Air (Prevention & Control of Pollution) Act 1981.

6. Heard Ld. counsel for the parties and perused the record.
7. Plaintiff by way of the suit has contested the order bearing no 71 PCC of 2024 dated 27th of May 2024, issued by defendant no 2, where the immediate closure order with respect to mercantile operation of the plaintiff unit has been ordered. The order on the face of it appears to be passed in terms of the provisions contained under Water (Prevention and Control of Pollution)Act 1974, Air (Prevention and Control of Pollution Act) 1981 and Environment (Protection)Act 1986. The first question which arises before the court is whether the plaintiff is required to challenge the order by way of a statutory appeal or he can assail the order by way of a Civil Original suit The settled principle of law under section 9 of Code of Civil Procedure is that Civil Courts have jurisdiction to try all suits of civil nature unless the jurisdiction is expressly excluded or the intention to take away the jurisdiction is by necessary intendment implied in the statute and no such presumption can be drawn against the jurisdiction of civil court to entertain a suit. Whenever a statute contains a provision barring the jurisdiction of a civil court, it is strictly construed and confined only to the four corners of the bar contained in the statute. The jurisdiction of the Civil Courts is all embracing except to the extent it is excluded by an express provision of law. This is the purport of Section 9 of the Code of Civil Procedure. Perusal of the provisions contained under Water (Prevention and Control of Pollution)Act 1974, Air (Prevention and Control of Pollution Act) 1981 and Environment (Protection)Act 1986 , especially section 33 A , 33B of Water (Prevention and Control of Pollution)Act 1974, section 46 of Air (Prevention and Control of Pollution Act) 1981 and section 22 of Environment (Protection)Act 1986, 58 of the Water Act in unequivocal terms create a tapper on the jurisdiction of the court to hear the controversy involved in the matter , while as the jurisdiction to determine the questions raised in the suit has been conferred on a statutory authority . Keeping in view the aforesaid discussion, the plaintiffs has not been able to project before this court triable question in the matter as such plaintiff has no prima facie in his favour .

8. Since the court has come to the conclusion that plaintiffs have no prima facie case, this court is not required to analyse the other two pre requisites. Reliance is placed on the case of Kashi Math Samasthan V/s Shrimad Sudbhidra Tbritha Swamy and anr 2010 (10) SCC 689, where Hon'ble Apex Court held as under:

“it is well settled that in order to obtain an order of injunction, the party who seeks for grant of such injunction has to prove that he has made out a prima facie case to go for trail, the balance of convenience is also in his favour and he will suffer an irreparable loss and injury if injunction is not granted. But it is equally well settled that when a party fails to prove prima facie case to go for trail, question of considering the balance of convenience or irreparable injury or loss to party concerned would not be material at all, that is to say, if that party fails to prove Prima facie case to go for trail, it is not open to the court to grant injunction in his favour even if, he has made out a case for balance of convenience being in his favour and would suffer irreparable loss and injury if no injunction order is granted”.

9. Falling in line with the authoritative judgment supra, I need not to determine other two requisites, when the very first is missing. For all what has been discussed above, application for interim relief is devoid of any merit are accordingly rejected and order dated 28.10.2024 is vacated. Main file to come up for recording of preliminary statement on _____.
10. Any observation be made hereinbefore is for the sole purpose of deciding the merits of the application and shall have no bearing on the merits of the main suit.

Announced:
15.07.2025

AADIL Digitally
MUSHT signed by (Aadil Mushtaq Ahmad)
AQ AADIL Civil Judge Sr. Division/CJM
BANDAY MUSHTAQ Srinagar
BANDAY BANDAY

 Case Number
 FIR Number
 Party Name
 Advocate Name

 Case Code
 Act
 Case Type

Back

Civil Court

Case Details

Case Type:	Original Suits (OS) - Original Suits
Filing Number:	6596/2024
Filing Date:	28-09-2024
Registration Number:	2535/2024
Registration Date:	28-09-2024
CNR Number:	JKSG020046872024

Case Status

First Hearing Date:	28-September-2024
Decision Date:	28-July-2025
Case Status:	Case Disposed
Nature of Disposal:	Uncontested - DISMISSED ON WITHDRAWAL
Court Number and Judge:	12-Chief Judicial Magistrate Srinagar

Petitioner and Advocate

1) AJAZ AHMAD WANI
Advocate - Asgar Ali

Respondent and Advocate

- 1) UT OF JAMMU AND KASHMIR THROUGH POLLUTION CONTROL BOARD
- 2) UT OF JAMMU AND KASHMIR MEMBER SECRETARY POLLUTION CONTROL COMMITTEE
- 3) REGIONAL DIRECTOR POLLUTION CONTROL COMMITTEE
- 4) DEPUTY COMMISSIONER BANDIPORA

IN HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(c) No. 1579/2024

Aijaz Ahmad Wani

...Appellant(s)/Petitioner(s)

Through: Mr. Nisar Ahmad Bhat, Adv.

Vs.

UT of JK and Ors.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE.

ORDER

25.11.2024

Learned counsel for the petitioner submits that he wants to withdraw the instant petition on the ground that the grievance of the petitioner stands redressed. Statement of learned counsel is taken on record.

In the light of statement made by learned counsel for the petitioners, the writ petition being WP(C) No. 1579/2024 is dismissed as withdrawn.

Interim direction, if any, shall stand vacated.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:

25.11.2024

"Shamim Dar"

S. No. 2
Regular

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1579/2024 CM(4254/2024)

AIJAZ AHMAD WANI ...Petitioner(s)/Appellant(s)

Through: Mr. Nisar Ahmad Bhat, Advocate

Vs

UNION TERRITORY OF J AND K AND ORS ...Respondent(s)

Through: Mr. Syed Musaib, Dy. AG

CORAM:

HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
29.07.2024

Notice.

Notice waived by Mr. Syed Musaib, learned Dy. AG on behalf of the respondents, who seeks and is granted week's time to file objections with respect to the maintainability of the writ petition.

List on 21.08.2024.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
29.07.2024
AAMIR

S. No. 126
Suppl. Cause List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 1579/2024

CM No. 4254/2024

Aijaz Ahmad Wani

...Appellant/Petitioner(s)

Through: Mr. Nisar Ahmad Bhat, Adv.

Vs.

UT of J&K and Ors.

...Respondent(s)

Through: Mr. Syed Musaib, Dy. AG

CORAM:

HON'BLE MR JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

24.07.2024

Mr. Syed Musaib, learned Dy. AG, submits that the petitioner instead of availing the remedy of appeal in terms of Section 16 of National Green Tribunal, has filed this writ petition, which is not maintainable.

Learned counsel for the petitioner prays for adjournment to address arguments on the maintainability of instant writ petition on the next date of hearing.

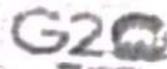
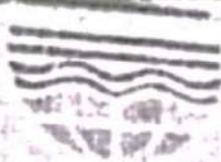
List on 29.07.2024.

(VINOD CHATTERJI KOUL)
JUDGE

SRINAGAR

24.07.2024

Manzoor



PCC

Government of Jammu & Kashmir

J&K POLLUTION CONTROL COMMITTEE

OFFICE OF THE REGIONAL DIRECTOR - KASHMIR

Sheikh-ul-Alam Campus, Raybagh, Near Government Silk Factory, Srinagar-190008
www.jkspcb.in Email: regionaldirectorkmr@gmail.com Tel/fax 0194-2311842

AIJAZ AHMAD WANI,
 PROP. OF M/S HOLLOW BLOCKS/ & MIXER UNIT
 LARIBAL, NAIDKHAL, BANDIPORA.

1st Legal Notice
 (by Regd. Post)

No: PCC/ROK/LS/LN-I/2024/168-71

Date:- 12/03/24

Subject:- Notice for initiating legal action under Environmental Laws.

- Whereas, no unit can be established or put in operation without mandatory consent of the Pollution Control Committee and without proper pollution control devices/pollution control measures as envisaged under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
- Whereas, a formal complaint bearing No. 999004804925 filed by the residents of Laribal, Naidkhal, Bandipora has been received with the Pollution Control Committee through Hon'ble LG's Grievance Cell against operation of the hollow blocks/ & mixer unit installed by you at the specified location and pollution problems thereof.
- Whereas, in verification, the report submitted by District Officer, Pollution Control Committee, Bandipora has revealed that the afore-said unit has been put in operation within the residential area of Laribal, Naidkhal, Bandipora without mandatory consent of this Pollution Control Committee and that too without adequate pollution control devices/pollution control measures required for hollow blocks manufacture and mixer units as such, the pollution particularly noise generated from machinery of the unit in question is a matter of serious concern and worrisome causing disturbance and discomfort to the people living nearby.
- Whereas, operation of the unit in question with above status is detrimental and harmful to the environment and the human life besides being violation in view of above quoted provisions of the Law is punishable under Section-15 of the Environment (Protection) Act, 1986 which states: "Whosoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall be punishable with imprisonment for upto five years or with fine upto one lakh Rupees, or with both."
- Whereas, operation of the unit without adequate pollution control devices/pollution control measures is also punishable under Section-5 of the Environment (Protection) Act, 1986 which includes closure of the unit as well.

Now, therefore, in light of the above, you are hereby directed to show cause within 15-days from issuance of the present notice as to why action proposed be not taken against you and as to why the closure of the unit in question be not ordered. In the event of your failure to show any reasonable cause within notice period, action shall become obvious in the matter.

Jammu and Kashmir Pollution Control Committee

Parivesh Bhavan, Forest Complex
Transport Nagar, Jammu, 180006

Silk Factory Road
Rajbagh, Srinagar, 190008

Tel - 0191-2476927; mail - membersecretaryjkspcb@gmail.com

Order No: 71 PCC of 2024

Dated: 27 / 05/2024

Whereas, no activity having bearing on environment can be set up or put in operation, without the prior consent of the Pollution Control Committee, as warranted under Section 25/26 and Section 21 of the Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act, 1981 respectively.

Whereas, manufacturing of **Hollow Block** is classified in **Green category**, for the purposes of obtaining of consent from the Committee, keeping in view the pollution potential of the unit

Whereas, **M/s Hallow Block unit of Aijaz Ahmad Wani at Laribal Naidkhai Bandipora** has been setup and put in operation in violation of the above stated laws, in residential area that too without having valid consent of the JK PCC.

Whereas, persistent complaints have been received against the unit from local residents through LGs **Grievance Cell Complaint No. 999004804925** which stand verified as genuine.

Whereas, the unit holder was accordingly served with repeated notices, particularly notice dated 12-03-2024 calling upon him there-under to show reasons as to why legal action including closure of his unit be not taken for violation of law.

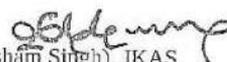
Whereas, the unit holder has failed to show any response to the notices, besides failing to take measures to meet the requirements of laws governing environmental protection and Regional Director, PCC Kashmir has recommended closure of the unit vide his No. **PCC/ROK/LS/Cl/46** dated 16-05-2024.

Whereas, the unit in question, cannot be allowed to run un-authorizedly with above status and to the detriment of human health and environment.

Now, therefore, in exercise of powers vested in the J & K Pollution Control Committee under **Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31 (A) Air (Prevention and Control of Pollution) Act, 1981**, read with **Section 5 of Environment (Protection) Act, 1986**, immediate of **M/s Hallow Block unit of Aijaz Ahmad Wani at Laribal Naidkhai Bandipora**, is hereby ordered and in this behalf the:-

- i). Deputy Commissioner/ District Magistrate, **Bandipora** is directed to get **M/s Hallow Block unit of Aijaz Ahmad Wani at Laribal Naidkhai Bandipora** closed immediately.
- ii). Exe. Engineer, (KPDCL) **Naidkhai** is directed to snap the electric supply to the above said units immediately.
- iii). Director, Industries & Commerce Department, **Kashmir** is directed to deregister the units.
- iv). Sh. Aijaz Ahmad Wani, Prop. **M/s Hallow Block unit at Laribal Naidkhai Bandipora** is directed to cease the operation of the unit forthwith.

By order of the Competent Authority.


(Ghansham Singh), JKAS
Member Secretary
JK PCC, Jammu

27.5.24

No.: PCC/LSK/2024/762-767

Dated:- /05/2024

- i. Deputy Commissioner/ District Magistrate, **Bandipora** for information and necessary action, under intimation.
- ii. Chief Engineer Electric & Maintenance (KPDCL) **Kashmir** for information and necessary action, under intimation.
- iii. Director, Industries & Commerce Department **Kashmir** for information and necessary action
- iv. Regional Director, PCC, **Kashmir** for information and follow up action.
- v. Incharge web site Pollution Control Committee **Jammu** for uploading the closure order.
- vi. Sh. Aijaz Ahmad Wani, Prop. **M/s Hallow Block unit at Laribal Naidkhai Bandipora** for compliance.



Government of Jammu & Kashmir
Jammu & Kashmir Pollution Control Committee
Office of the District Officer Bandipora.

The Regional Director
 JK PCC Kashmir

(Through e-mail)

No:- PCC/Bpr/legal/2024/073-74 Dated:- 29/06/2024
 Subject:- WPC No. 1282 of 2024 titled Aijaz Ahmad Wani V/S UT of J&K
 Reference:- Addl Deputy Commissioner Bandipora communication No - DCB/Legal/2024/544-47, dated:- 26/06/2024 addressed to Regional Director JK PCC Kashmir.

Sir,

In view of Addl. Deputy Commissioner Bandipora communication under reference regarding subject matter, it is hereby to apprise that M/S Wani Bricks & Tiles unit of Sh Aijaz Ahmad Wani at Naidkhai Hajin had applied for CTO(F) on, 31/03/2022 vide online application number 2737195 which had been returned to applicant on, 09/01/2023 by the then District Officer PCC Bandipora with the direction to resubmit same as and when unit resumes its operation. Since then, applicant has not resubmitted same. No other online application has been submitted by applicant for grant of consent on 9th of April, 2024 as verified from OCMMS. Pertinent to mention here that unit in question has earlier been monitored for Noise Levels by PCC Bandipora on, 21/10/2022 and Noise Levels had been found beyond permissible limits. Unit has recently been ordered for closure by JK PCC vide Order No:-71 of 2024, dated:- 27/05/2024 on account of complaint and on account of no response from unit to legal notices served to the unit.

Submitted for information and necessary action.

Yours faithfully

R. Ahmad 6/24
 District Officer
 PCC Bandipora

Copy to the:-
 Associate Law Officer JK PCC Central Office Srinagar for information & necessary action.

Alo/
Plz discuss
c me today
11
06.07.2024

Government of Jammu & Kashmir
J&K Pollution Control Committee
Office of the Regional Director Kashmir
Sheikh-ul-Alam Complex, Rajbagh, Near Government Silk Factory, Srinagar-190008
www.jkpcc.nic.net.in (email: regionaldirectorkmr@gmail.com) (Tel 0194-2135911/Telefax 2311842)

✓ M/s Wani Bricks & Tiles,
 Prop:- Ajaz Ahmad Wani,
 At Naidkhai, Hajin,
 Bandipora.

Final Notice
 (By Regd. Post)

No: PCC/ROK/LS/FN/2024/ 498-501

Date:- 12-07-24,

Subject:- WP(C) NO. 1282/2024 titled Ajaz Ahmad Wani V/s UT of J&K and Others.

Whereas, you approached Hon'ble High Court of J&K in WP(C) NO.1282 of 2024 titled Ajaz Ahmad Wani V/s UT OJ&K.

Whereas, Honble High Court of J&K has passed the order and disposed off your above Writ Petition with operative portion reproduced as under:-

"Having regard to the submissions made by the learned counsel for the petitioner and regard being had to the nature of relief prayed for, this writ petition is disposed of at this stage by directing the respondent Pollution Control Committee to consider and take final decision on the application of the petitioner stated to have been filed on 09 April 2024 by passing a speaking order within a period of four weeks and intimate the same to the petitioner".

In compliance of Hon'ble Court order, a detailed report was sought from District Officer JKPC Bandipora vide No. PCC/Bpr/Legal/2024/673-74 dated 29-06-2024 apprised that no online application has been submitted by you for grant of consent on 9th April, 2024. Although you had applied for CTO(F) on 31-03-2022 Vide ID NO.2737195, which was returned to you on 09-01-2023, to fulfil rectify the deficiencies/infirmities and resubmit the same as and when unit resumes its operation. So the case is pending at your level.

Now therefore, You are hereby given the final opportunity to resubmit your case/application to District Officer Bandipora in JKOCMMS after fulfilling the noted deficiencies for further processing within one week i.e upto 19th July 2024, failing of which it is presumed that you have not made the necessary rectifications and you are not interested in further processing of the awaited application at your end.

Regional Director,
 Kashmir.

Copy to:-

1. Member Secretary, JKPC Jammu for information please.
2. Deputy Commissioner Bandipora for information. This is in reference to your letter no.DCB/Legal/2024/544-47 Dated 26-06-2024.
3. District Officer, Pollution Control Committee, Bandipora, for information and follow-up to submit the action taken report in the matter within period.



Government of Jammu and Kashmir
Office Of The
Deputy Commissioner Bandipora

E-Mail: aratodcbpr@gmail.com | Phone: 01957-226085 | Fax: 01957-226051

The Tehsildar,
Hajin.

No.DCB/Legal/2025/65-67-

Dated:- 07.04.2025

Sub:-Closure Order of M/s Hallow Block Unit at Naidkhai.

Sir,

Regarding the subject captioned above, kindly find enclosed herewith a copy of order bearing No. 71-PCC of 2024 dated 27.05.2025 received from J&K Pollution Control Committee.

In this connection you are advised to implement the same in letter and spirit.

Yours faithfully

[Signature]
Zaffar Husson Shawl (JKAS),
Addl. Deputy Commissioner
Bandipora.

Copy to:

1. Member Secretary, JKPCC, Jammu for favour of information. This has reference to your office order No. 71-PCC of 2024 dated 27.05.2025.
2. Divisional Officer, PCC Bandipora for information.

To
The worthy
Deputy commissioner
Bandipora

Subject: Violation of Hon'ble National Green Tribunal (NGT), New Delhi Order in OA/14/2025 and jkpc order No 71

Reference: Zahoor Ahmad Dar Vs UT of J&K & Others

Respected Sir,

I am writing in reference to the ongoing viola on of environmental laws and the Hon'ble NGT order cited above.

Ajaz Ahmad wani operating a Hollow Blocks Manufacturing Unit ajaz wani at Naidkhai without obtaining the mandatory permissions from the District Administration and the J&K Pollution Control Committee (JKPCC).

This opera on is in clear viola on of:

Sec on 15 of the Environment Protec on Act,
Provisions of the Air (prevention on and Control of Pollu on) Act, and Water (Preven on and Control of Pollu on) Act.

As per JKPCC Order No. 71 of 2024, which is s ll in force, the said unit has not been granted permission and thus, is liable for immediate closure. It is also per nent to men on that only the JKPCC has the authority to issue closure direc ons, whereas the District Administra on is the enforcement body under the rule of law.

In light of the above facts, I humbly request you to:

1. Sir Direct the Tehsildar concerned to seal the said unit immediately, in compliance with the law and orders of the Hon'ble NGT and JKPCC.
2. Ensure that no such unit is allowed to operate without permission
3. Please inform Sho sumabl to taken action

Mandatory consent from the JKPCC.

Your Interven on is crucial to uphold environmental laws and prevent irreparable damage
Thanking You in an cipa on.

Yours faithfully,
Zahoor Ahmad Dar
9149407486
Date:9/April/2025

Tehsildar
Hajin

The unit be closed
in accordance with
NGT order
9/4/25

Deputy Commissioner
Bandipora
9/4/25

OFFICE OF THE TEHSILDAR HAJIN

45

EXECUTIVE MAGISTRATE 1ST CLASS

The Deputy Commissioner,
Bandipora.

No.: TEH/H/OQ/25/16-17

Dated: 11-04-2025

Subject:- Violation of Hon'ble National Green Tribunal(NGT), New Delhi in order OA/14/2025 and JKPCO Order no.71.

Sir,

Kindly refer your endorsement No. Nil Dated: 09/04/2025 regarding the subject cited above, In this connection your goodself has issued orders to implement the order of Jammu & Kashmir Pollution Control Board vide No:71/PCC of 2024 Dated: 27/05/2024 for sealing of M/S Hollow Block unit of Aijaz Ahmad Wani at Laribal Naidkhai tehsil Hajin . However the same department vide order No:288-JKPCO of 2025 Dated:08/01/2025 has kept the above mentioned order in abeyance and the defendant No.2 was directed to De-seal the Unit (copy enclosed).In the mean time the National Green Tribunal Principal Bench New Delhi has directed the JKPCO to bring the said jurisdictional bar to the notice of the civil court which has passed the order in the civil suit wherein the order of JKPCO dated:27/05/2024 under AIR act ,Water Act and EP Act has been stayed(copy enclosed) and the said case is listed on 05/05/2025 before the Hon'ble Court of National Green Tribunal Principal Bench, New Delhi.

In view of the it is requested that necessary directions may be issued to proceed further in the matter.

Yours faith fully


Tehsildar Hajin

Copy to:

1. Additional Deputy Commissioner Bandipora for information.



Government of Jammu and Kashmir
Office Of The
Deputy Commissioner Bandipora

E-Mail: aratodcbpr@gmail.com | Phone: 01957-226085 | Fax: 01957-226051

Member Secretary,
JKPCC, Jammu.

No.DCB/Legal/2025/212-13

Dated:-24.04.2025

Sub:- OA No. 14/2025 titled Zahoor Ahmad Dar Vs Union Territory of Jammu and Kashmir & Ors.

Sir,

Kindly find enclosed herewith a copy of order dated 22.01.2025 regarding the above titled case passed by Hon'ble National Green Tribunal, New Delhi. The operative portion of the order is reproduced as under:

“ The J&KPCC must bring the the said jurisdiction of bar to the notice of the civil court which has passed the order in the civil suit wherein the order of JKPCC dated 27.05.2024 passed under the AIR act, Water Act and EP Act has been stayed.

Issue notice to the respondents for filling their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing ”

Now in view of above, I am directed to request you to provide the status of the case regarding the implementation of the order passed by Hon'ble Tribunal, and also to brief on the status of the case so as to file the facts and appropriate reply before the Hon'ble Tribunal.

Yours faithfully

[Signature]
24/4/25 -

Zaffar Hussain Shawl, JKAS
Additional Deputy Commissioner
Bandipora.

Copy to :

1. Regional Director Pollution Control Committee, Srinagar for favour of information and necessary action.

OFFICE OF THE PRINCIPAL
GOVT. BOYS HIGHER SECONDARY SCHOOL NAIDKHAL
Email: hssnaidkhal@gmail.com

No.: HSS/NK/22/ 080

Date: 12.04.2022

The Tahsildar,
Hajin

Subject: Complaint regarding illegal installation of cement brick manufacturing unit.....reg
Sir,

Kindly refer to the subject cited above. In this context, I am to inform your good self that **Mr. Aljaz Ahmad Wani S/o Ghulam Ahmad Wani of Naidkhal** has illegally installed a cement brick manufacturing unit without proper permission sideby of **Govt HSS Naidkhal** school, which produces a lot of unbearable noise and air pollution in the school and hinders the class work of the students in the school. The teaching staff as well as students are disturbed due to the noise arising out of manufacturing unit.

So your good self is requested to take necessary steps to close/displace the illegally raised cement brick manufacturing unit.

Hope for rapid and radical action in this matter and oblige.

Thanks, Sir

Yours faithfully

W. Ahmad Wani
Principal
HSS, Naidkhal
Govt. Hr. Sec. Institute
Naid Khal, Sonawari

35
12/04/22

NT-Concerned
For favours of
immediate necessary
action under intimation
to this office within
week's time positively.

T. Hajin
Tah. Hajin

M. N. N.
put up with
by the
...

AFFIDAVIT



Aljaz Ahmad Wani S/O Ghulam Ahmad Wani R/O Naidkhaj Tehsil Hajin District Bandipora do hereby solemnly declare and affirm on oath as under:-

1. That I am permanent resident of Union Territory of Jammu and Kashmir presently residing at above given address.
2. That I am sole, proprietor of M/S WANI BRICK FIRM Naidkhaj Bandipora.
3. That the above statement is true and correct to the best of my knowledge.
4. That I shall abide all the rules and regulations of Pollution Control Committee.
5. That for any genuine complaint from locals, I shall be personally liable for the consequences thereof.

[Signature]
Deponent

Verification:-

Verified that the above contents in the affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed therein.

Certified that the above contents are declared on oath before advocate M. Mushtaq Ahmed Public Notary in Court Bandipora. On 15/3/2014 at Naidkhaj S/O Gh. Ahmad Wani Naidkhaj Tehsil Hajin who is identified by Nazim Ahmad Wani S/O Computer Operator Council

[Signature]
Deponent

ATTESTED
M. Mushtaq Ahmed
Public Notary Distt. Court Bandipora

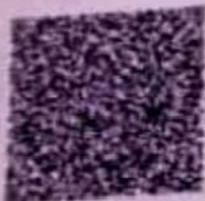


सत्यमेव जयते

INDIA NON JUDICIAL
Government of Jammu and Kashmir
e-Stamp

Certificate No.	: IN-JK63830239536869U
Certificate Issued Date	: 20-May-2022 01:14 PM
Account Reference	: NEWIMPACC (SV) JK12505904/ SUMBAL/ JK-BP
Unique Doc. Reference	: SUBIN-JKJK1250590422866455321949U
Purchased by	: Ajaz Ahmad Wani Son of Ghulam Ahmad Wani
Description of Document	: Article 4 Affidavit
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: Ajaz Ahmad Wani Son of Ghulam Ahmad Wani
Second Party	: Not Applicable
Stamp Duty Paid By	: Ajaz Ahmad Wani Son of Ghulam Ahmad Wani
Stamp Duty Amount(Rs.)	: 10 (Ten only)

Shabir Ahmad Mir
 Stamp Vendor L.No. 16
 Munsiff Court Sumbal (Sumbal)



.....Please write or type below this line.....

KC

Statutory Alert

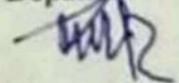
1. The authenticity of this Stamp certificate should be verified at www.sholestamp.com or using a Stamp Mobile App or Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The responsibility of ensuring the authenticity is on the users of the certificate. In case of any discrepancy, please inform the Competent Authority.

Affidavit

I, Aijaz Ahmad Wani son of Ghulam Ahmad Wani R/o: Laribal Poshwari Tehsil: Hajin District Bandipora, do hereby solemnly affirm and declare on oath as under:

1. That I am permanent resident of Jammu & Kashmir UT and presently residing at above given address.
2. That I am running a hallow brick unit at Laribal Poshwari in my own landed property.
3. That some neighbors have objected me to run the said unit.
4. That I declare on oath that I will produce the all kinds of necessary and related documents of my above mentioned unit within the period of ~~five~~ **four** months from the date of execution of this affidavit otherwise I have no right to run the unit after the expiry of ~~five~~ **four** months period.
5. That I am executing this affidavit after fully understanding, as I am mentally as well as physically fit to execute this affidavit.
6. That I shall abide by all the rules and regulations of the concerned authority issued from time to time.
7. That I shall be personally responsible if my above given information is found to be false at any time or stage.

Deponent


Verification:

Verified that the above contents of this affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

Certified that the contents of documents has been submitted on oath by deponent

Aijaz Ahmad Wani

S/o Ghulam Ahmad Wani

R/o Poshwari

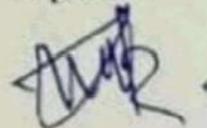
today on 20-05-2012 who is identified

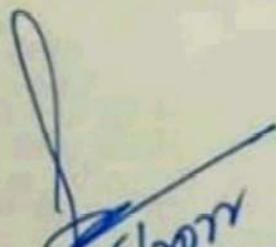
By Shahid Ahmad

S/o M. A. Raza

R/o Sumbal

Deponent




 Munsif District Registrar
 IST CLASS
 Sumbal Sanyal

**Jammu and Kashmir
Pollution Control Committee**

chairman87jkspcb@gmail.com
membersecretaryjkspcb@gmail.com

0191 - 2472881, 2476925



37



ITUW TSA
NEW DELHI 2024

Parivesh Bhavan, Forest
Complex, Transport Nagar,
Jammu, 180 006

Silk Factory Road
Rajbagh, Srinagar, 190 008

Subject: - General Siting Criteria for industries proposed to be established in outside industrial areas.

Reference:- Agenda item No. 11 Approved in the 5th meeting of J&K PCC held on -04-2025.

JKPCC Order No. 63 of 2025
Dated:- 26 -04-2025

Whereas the Ministry of Environment, Forest and Climate Change, Gol, has notified the Control of Air Pollution (Grant, Refusal or Cancellation of Consent) Guidelines 2025 and Control of Water Pollution (Grant, Refusal or Cancellation of Consent) Guidelines 2025 for streamlining the procedure for obtaining Consent to Establish (CTE), Consent to Operate (CTO).

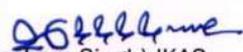
Whereas the guidelines, *inter-alia*, include minimum distance to be maintained while establishing industrial plants.

Therefore, in order to ensure that the industrial units proposed to be established outside industrial areas conforms to the guidelines above, the Divisional Officers of J&K PCC, Jammu/ Kashmir shall adopt the following general guidelines while submitting their opinion / remarks in Change of Land Use (CLU) cases for which sector specific criteria have not been prescribed:-

While establishing an industrial plant, the following minimum distance shall be maintained, namely:

- a) from the nearest boundary of surface water body (flood plain/ HFL/Red line) as per the revenue records in case of industrial unit of-
 - i. red category, beyond five hundred meters;
 - ii. orange category,
 - A. with effluent generation, beyond seventy-five meters;
 - B. without effluent generation, beyond thirty meters;
 - iii. green category, beyond thirty meters;
- b) from the settlement, educational institute, worship place, archaeological monuments, national park, reserve forest, heritage site, in case of industrial unit of -
 - i. red category, beyond five hundred meters;
 - ii. orange category, beyond two hundred meters;
 - iii. green category, beyond one hundred meters.
- c) Further, it shall be ensured that other laws, rules and regulations and notifications are complied with by the industrial plant.
- d) The natural or storm drain passing through the location of industrial unit shall not be disturbed.

By order of the Jammu and Kashmir Pollution Control Committee.


(Ghansham Singh) JKAS
Member Secretary 26.4.25
J&K PCC

No: - JKPCC/PS/MS/2025/ 4918-45

Dated:- 26-04-2024.

Copy for information and necessary action to the: -

1. Regional Director, J&K Pollution Control Committee, Jammu / Kashmir.
2. Director, Industries & Commerce, Jammu / Kashmir.
3. Principal Scientific Officer, J&K Pollution Control Committee, Jammu.
4. Scientist 'B' (Dr. Sabeena Sultan) / Assistant Environmental Engineer (Sh. A.B Jandial & Sh. Angrez Singh), J&K Pollution Control Committee, Jammu / Srinagar.
5. All Divisional Officers, J&K Pollution Control Committee, Jammu / Kashmir.
6. I/c Website/ JKOCMMS, J&K Pollution Control Committee, Jammu.

District Magistrate Bandipora

Mini secretariat Block "B" Bandipora

53

The Sub Divisional Magistrate,
Sumbal.

No:- No:- DCB/VC/2024/ 1079

Dated:- 13/03/2024.

Subject:-Objection against use of hollow bricks machine by our neighbor Ajaz Ahmad Wani.

Sir,

Whereas, this office is in receipt of complaint from residents of Laribal Naidkhai along with other relevant documents, regarding the subject cited above. Wherein, it has been stated that one Mr. Ajaz Ahmad Wani S/o Gh Ahmad Wani R/o Laribal Naidkhai, has illegally installed a cement hollow bricks unit between Hr Sec school Naidkhai and residential house of Zahoor Ahmad Dar.

Whereas, on perusal of documents placed to file it is came to know that the said unit holder was previously directed to stop running of the said unit, till the fulfillment of all codal formalities for the same. In this context, the subject had produced an affidavit dully attested by Muncif Judicial Magistrate Ist Class Sumbal, copy enclosed .

Whereas, Principal Govt. Hr Secondary School Naidkhai, vide their communication No. HSS/NK/22/880 dated:- 12/04/2022, had made a complaint in the instant matter, wherein, it has been stated that the said unit, manufacturing cement bricks, is running without proper permission sideby to their institution, which produces lot of unbrearable noise and air pollution due to which all academic activities of said institution has suffered badly.

Whereas, the applicant has produced another document of Regional Director Kashmir J&K Pollution control Committee vide No. PCC/ROK/LS/LN-1/168-71, dated:- 12-03-2024, in reference to formal complaint bearing NO. 999004804925 filled by the residents of Laribal Naidkhai through LG's Grivence Cell it has been stated that the afore-said unit has been put in operation within the residential area of Laribal, without mandatory consent of pollution Contorl committee and that too without adequate pollution control devices/measures required for hollow blocks manufacture and mixer units sa such, the pollution particularly noise generated from machinery of the unit in question is a matter of serious concern and worrisome causing disturbance and discomfort to the people living nearby. The communication further reveals in reference to Section -15 of the Environment (Protection) Act, 1986. " Whosoever fails to comply with or constavenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall be punishable with imprisonment for upto five years or with fine upot one lakh Rupees or with both"

Whereas, on perusal of report communicated in respect to grivence made by Mr. Reyaz Ahmad , reveals that the land in question is recorded as Kahcahrie under Survey No. 3158, and the unit holder was directed to shift the unit to some other place by or before Sep 2022. which could have been done so far.

But so far neither the subject has shifted the unit nor installed latest equipment which could have addressed the noise created by running of such machines, which inturn has made life of peoples residing surrouding the unit very arduous.

Keeping in view the above facts, you are requested to look in to the matter and take immedate appropriate necessary action in the matter, in order to redress the greivence of applicants. The action taken report may be shared to this office please.

Yours faithfully,
Assistant Commissioner (Rev.)
Bandipora
13-03-24

Shabir Ahmad Wani, JKAS
Assistant commissioner Rev,
Bandipora.

Copy to the:-

- 1- Deputy Commissioner Bandipora for favour of information.
- 2- Tehsildar Hajin for information.

STATE

How Delhi's Courtroom Restored Balance In Bandipora

After months of delay and official inaction, a cement brick unit near a school in Kashmir is finally shut, thanks to the National Green Tribunal's intervention.

KO Web Desk

SRINAGAR: It took more than two years, countless petitions, and the intervention of the country's top environmental court to shut down a cement brick unit in Naidkhai, Bandipora.

The unit stood just next to a government higher secondary school and private homes. Despite clear violations of environmental laws, local officials looked the other way.

Zahoor Ahmad Dar, a resident of Naidkhai, first raised concerns in 2022 when construction began next to the school. Dust from the site filled classrooms. Noise disrupted lectures. The school principal wrote to the local tehsildar. A report was ordered, but no action followed.

The matter bounced from the SDM's desk to the DC's office, and eventually landed in the Governor's Grievance Cell.

In May 2024, the J&K Pollution Control Committee (JKPCC) finally stepped in. It found the unit in violation of both the Water (Prevention and Control of Pollution) Act of 1974 and the Air (Prevention and Control of Pollution) Act of 1981. A closure order was issued on May 27, 2024.

That should have ended the matter. It didn't.

The owner of the plant went to the Chief Judicial Magistrate (CJM) in Srinagar, who stayed the

closure. Legally, civil courts have no authority in such matters. Yet the stay remained, and the plant kept operating.

JKPCC, oddly, did not appeal the CJM's order.

With local and legal remedies exhausted, Zahoor Ahmad Dar took the fight to New Delhi. On January 21, 2025, he and his son appeared before the Principal Bench of the National Green Tribunal (NGT). Justice Prakash Srivastava and Expert Member Dr. Afroz Ahmad ruled that the CJM had no jurisdiction.

The NGT cited Section 58 of the Water Act, which bars civil courts from interfering in cases handled under the Pollution Control framework. They advised the JKPCC to approach the CJM for modification of the order.

The CJM vacated the stay on July 15, 2025. Days later, on July 22, the Tehsildar sealed the unit.

"After being ignored by every office, we had almost given up," said Zahid Zahoor, the petitioner's son. "What should've taken one visit to the DC ended up at the NGT."

For residents of Naidkhai, the issue was simple: a brick plant had no place next to a school.

For officials, however, the problem dragged on through bureaucratic silence and legal loopholes. In the end, it took Delhi's courtroom to restore Bandipora's balance.

Seeking NGT's ⁴⁰ intervention for petty cases

Is administrative apparatus in J&K incapacitated even to enforce their decrees for environmental conservation ?



Governance

Dr Raja Muzaffar Bhat

bhatrajamuzaffar@gmail.com

Climate activism got a great boost when environmental rights were recognized as "fundamental right" under Article 21 (Right to Life) of the constitution. It gave the right to a clean and healthy environment a constitutional sanctity. The Supreme Court of India, High Courts and more specifically the National Green Tribunal-NGT have played a great role in enforcing the environmental laws. These institutions have to act even for petty cases which can be addressed by a tehsil level executive magistrate or a lower rung officer of the Government.

For the last 12 years or more, I have been actively representing myself before the National Green Tribunal-NGT. My own experience says that this tribunal is doing the work which is supposed to be done by law enforcing agencies, especially the executive. Our District Magistrates, Sub Divisional Magistrates-SDMs, Tehsildars, officers of Urban Local Bodies, Panchayati Raj Institutions, JK Pollution Control Committee-PCC are not serious about ensuring implementation of Air Act, Water Act, Municipal Solid Waste Rules 2016, JK Mining Rules 2016 etc. This is reflected in the fact that NGT has imposed huge penalties on J&K Govt in the last 3 to 4 years. Even in petty cases the Govt institutions have failed to act and aggrieved are seeking intervention of the National Green Tribunal-NGT.

Fresh case from Bandipora



“

The NGT, last month, had to intervene in a small issue related to setting up of a cement hollow brick manufacturing unit.

The National Green Tribunal-NGT last month had to intervene in a small petty issue related to setting up of a cement hollow brick manufacturing unit at Naidkhai Bandipora. According to the petition filed in NGT by a local resident, the District Administration Bandipora, local SDM & Tehsildar failed to close down the said unit in spite of repeated pleas. The brick manufacturing unit as per the original application is located just adjacent to a Govt Higher Secondary School and is surrounded by some private houses as well. The school principal had made a written communication with the concerned Tehsildar in 2022 who further sought a report from his Naib Tehsildar. The officers failed to act even as the aggrieved had approached SDM

Sumbal and DC Bandipora as well. They then approached the J&K Pollution Control Committee -JKPCC who ordered for closing down the unit as the same violated Water Pollution Act 1974 and Air Pollution Act 1981. The unit owner challenged the closure order before Chief Judicial Magistrate -CJM Srinagar. Technically CJM had no jurisdiction to take up in this case and the relief was granted to the brick manufacturing plant owner. Ironically the JKPCC didn't challenge that order before the District Court or National Green Tribunal-NGT. As all the doors of executive were closed and even lower judiciary passed a defective order the aggrieved locals through one Zahoor Ahmad Dar finally had no option but to seek indulgence of National Green Tribunal-NGT, New Delhi. The case was listed in the NGT on January 21st, 2025 before Principal Bench of Justice Prakash Srivastava (Chairperson NGT) and Dr Afroz Ahmad (Expert Member).

**For full text visit
greaterkashmir.com**

Dr Raja Muzaffar Bhat is an Acumen Fellow and Chairman Jammu & Kashmir RTI Movement

NGT Intervention Leads to Closure of Illegal Cement Brick Unit

SRINAGAR: The District Administration of Bandipora has sealed a cement hollow brick manufacturing unit operating illegally in the Naidkhai area, following an order from the National Green Tribunal (NGT) which overruled a previous interim relief granted by the Chief Judicial Magistrate (CJM), Srinagar.

The action was taken after months of inaction by local officials, despite repeated complaints by residents and directives from the Jammu and Kashmir Pollution Control Committee (JKPCC). The unit, which was located dangerously close to a Government Higher Secondary School and nearby residential houses, was found to be in violation of both the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

The case was brought to light by local resident Zahoor Ahmad Dar, who after exhausting all administrative remedies, including appeals to the Tehsildar, SDM Sumbal, Deputy Commissioner Bandipora, and the Governor's Grievance Cell, approached the NGT for redressal.

Though the JKPCC had issued a closure order on May 27, 2024, the unit owner secured an interim stay from the CJM Srinagar. Legal experts later noted that the CJM lacked jurisdiction in the matter, as civil courts are barred from entertaining cases under Section 58 of the Water Act.

On January 21, 2025, the NGT's Principal Bench, headed by Justice Prakash Srivastava and Expert Member Dr Afroz Ahmad, observed that the CJM's interim relief was beyond jurisdiction. The NGT directed the JKPCC to bring this to the court's attention for correction.

You May Like

Consequently, on July 15, 2025, Chief Judicial Magistrate Aadil Mushtaq Ahmad vacated the earlier order and dismissed the plea for interim relief. Acting on this, the JKPCC approached the Deputy Commissioner Bandipora, who through Additional Deputy Commissioner directed the Tehsildar Hajin on July 22 to seal the unit.

Local residents expressed relief and gratitude to the judiciary and the JKPCC. "We had lost faith in the system. A small issue could have been resolved locally, but we were forced to move from pillar to post. Thankfully, the NGT intervened," said Zahid Ahmad, son of petitioner Zahoor Ahmad Dar.

You May Like

Sponsored Links by Taboola





GPS Map
Camera Lite

6HWH+529, Tengpora, Naidkhai, 193501

Latitude

34.245163333333334°

Longitude

74.577326666666668°

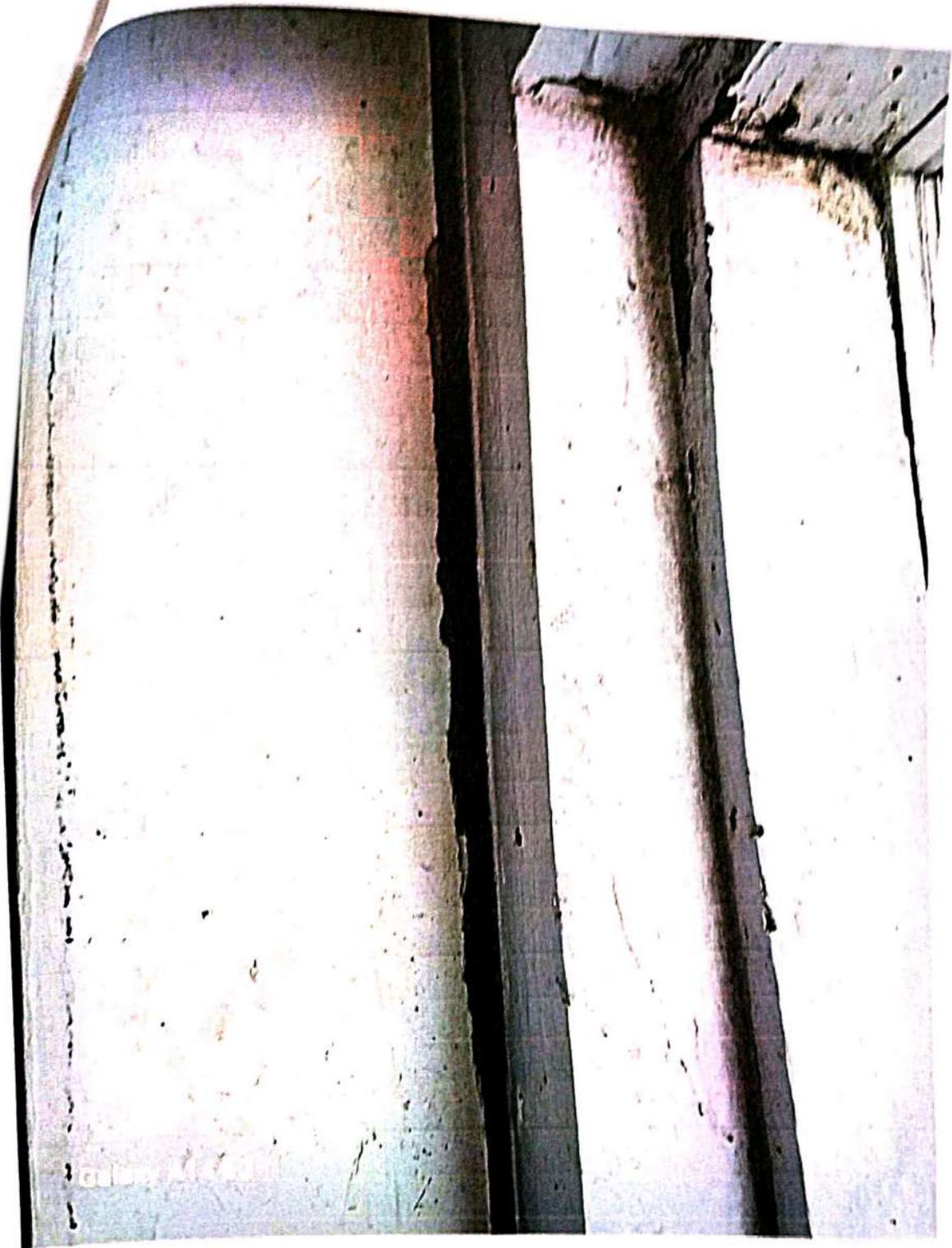
Local 09:37:32 AM

GMT 04:07:32 AM

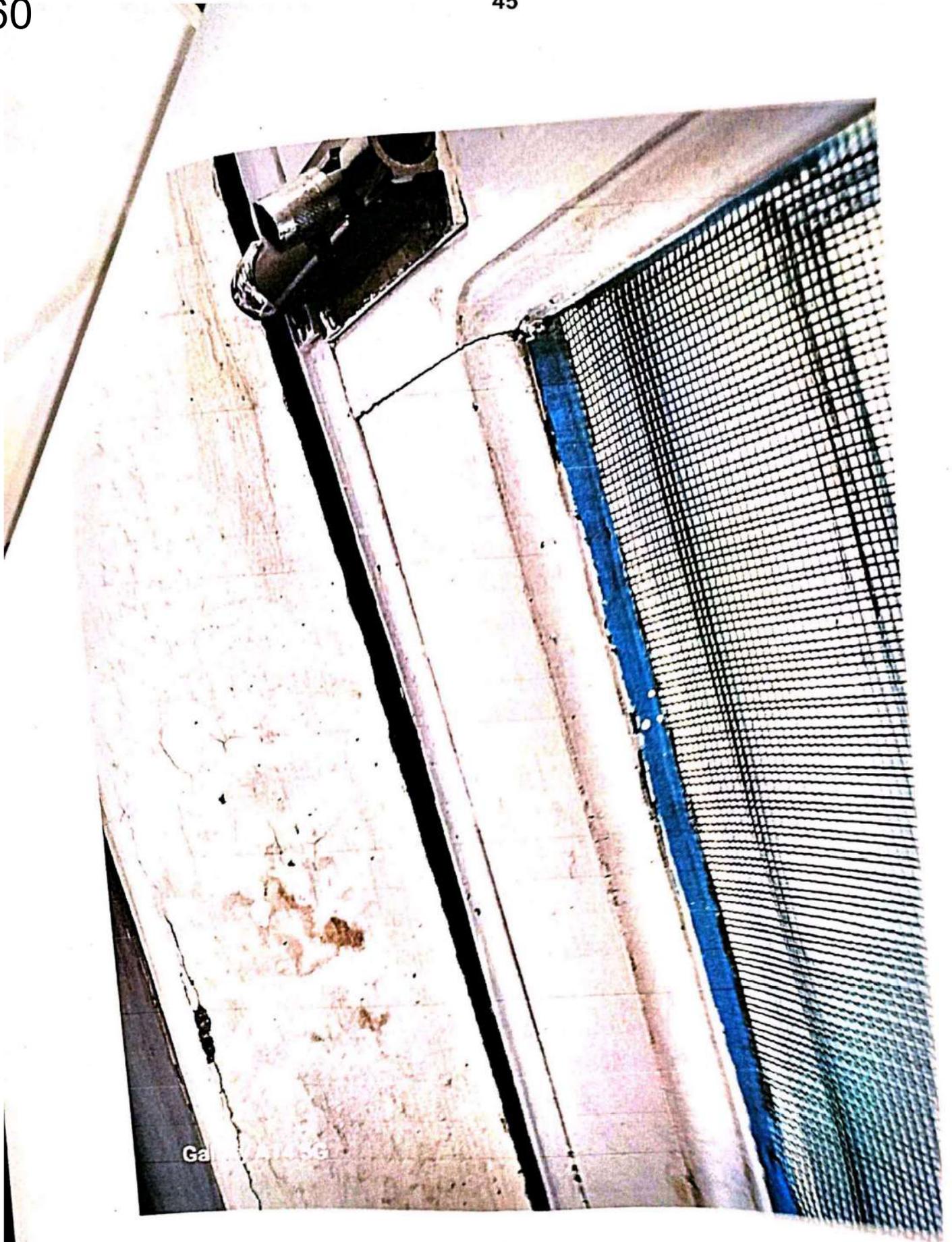
Altitude 1581 meters

Thursday, 01.05.2025





Damage Caused by vibration to the
nearby Houses.



Gal. 1745G

View Business

46

Daily Status

In The Court Of :Chief Judicial Magistrate Srinagar

CNR Number. :JKSG020046872024

Case Number. :Original Suits (OS)/0002535/2024

AJAZ AHMAD WANI **Versus** UT OF JAMMU AND KASHMIR THROUGH
POLLUTION CONTROL BOARD

Date :28-07-2025

Business	:	File after allowing the early hearing application file by the plaintiff taken up today for hearing. Counsel for the plaintiff filed an application seeking withdrawal of this case and statement of the plaintiff stands recorded in this regard. Application is taken on record. Application stands allowed and suit is dismissed as withdrawn. Interim order if any stands vacated. Suit along with all its ancillary applications be consigned to records after its due compilation.
Nature of Disposal	:	DISMISSED ON WITHDRAWAL
Disposal Date	:	28-07-2025
Chief Judicial Magistrate Srinagar		

True copy

2-1
Zahed RAhemal DZ
16/07/25

To

The Asst. Collector 1st Class/Executive Magistrate 1st Class)

Tehsildar Hajin

Bandipora J&K

Subject:- Removal of Seal of Hallow Block Unit, Naidkhai

Sir,

It is submitted that M/S Hallow Block Unit at Naidkhai was sealed under Order No. 120-PCC of 2025 dated 17-07-2025, as confirmed by the Tehsildar Hajin (Letter No. THE/H/OQ/25/158 dated 24-07-2025).

However, the said unit was without -seal on Sunday . I visited the site in the morning, and the unit was sealed, but around 4 PM, the seal was found removed, without any order from the Magistrate 1st Class.

"You are requested to take cognizance of this serious issue and at appropriate legal action against the person who has illegally removed the seal of the Executive Magistrate, which was Pasted to uphold the rule of law."

Thanking you,

Residents of Laribal NaidkhaiPH no. 7889511210Date :- 27/JULY/2025(Photo enclosed).Copy to :-

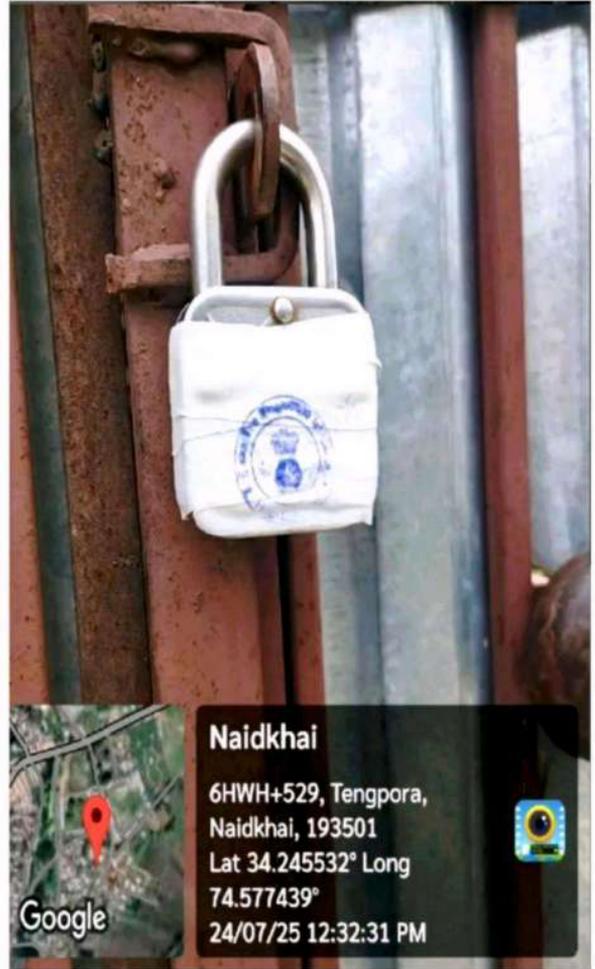
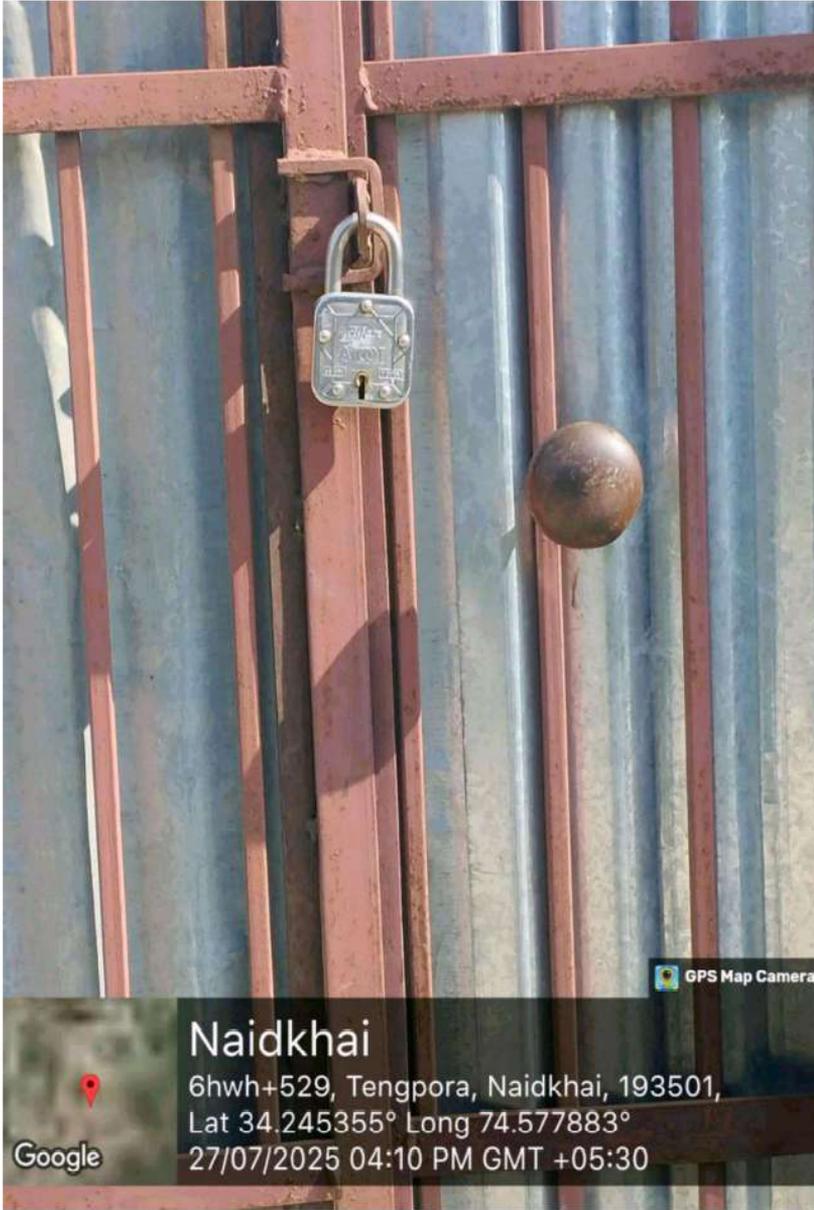
1. Station House Officer (SHO) Hajin for information and necessary action please.

M A M
 ① Manzoor Ah Mir
 Ph: 6005781762

② Zahoor Ahmad Dar.
 Ph: 7889511210.

③ Shahid Am


④ Noor Udd Nanoo.

2 +
Zachor R A hemal D2
True copy *of R2*