

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 2406//2023

CM No. 5646/2023

CM No. 7577/2025

M/S Sona Brick Industries Udhampur

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

Through: Mr. Ankur Sharma, Advocate

vs

1. The Union Territory of Jammu and Kashmir
Through its Commissioner/ Secretary,
Department of Forests, Ecology and
Environment; Civil Secretariat,
Srinagar/Jammu.

..... Respondent(s)

2. Member Secretary,
J&K State Pollution Control Committee,
Parivesh Bhawan, Forest Complex,
Gladni (Narwal), Transport Nagar,
Jammu
3. The Deputy Commissioner
Udhampur.

Through: Ms. Chetna Manhas, Advocate vice
Mrs. Monika Kohli, Sr. AAG
Ms. Meenakshi Salathia, Dy. AG

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

22.07.2026

1. Learned counsel appearing for the petitioner submits that the respondents had opposed the petition primarily on the ground that the petitioner did not possess a valid Consent to Operate issued by the Pollution Control Board, and that it was on account of the absence of such consent that respondent No. 3, namely the Deputy Commissioner, Udhampur, had declined to renew the licence for operation of the petitioner's brick kiln.

2. It is submitted that the petitioner has, by way of CM No. 7577/2025, sought permission to place on record Consent Order No. PCC/digital/24061902484 of 2024 dated 28.05.2024, issued by the J&K Pollution Control Committee, whereby Consent to Operate/Renew has been granted in favour of the petitioner for operating the Sona Brick Industry situated at Village Udhampur. Since the said document is relevant for the just adjudication of the matter, the application is allowed and the document is taken on record. Consequently, CM No. 7577/2025 stands ***disposed of***.
3. Learned counsel for the petitioner further submits that the only impediment pointed out by the respondents having now been removed, the writ petition may be disposed of by directing respondent No. 3 to consider and decide the petitioner's claim for grant/renewal of licence for operating M/s Brick Kiln Unit.
4. Learned counsel appearing for the respondents fairly states that she has no objection to the aforesaid course of action.
5. Having heard learned counsel for the parties and without expressing any opinion on the merits of the rival claims, this Court is of the considered view that, in light of the Consent to Operate granted by respondent No. 2, the petitioner's case for grant/renewal of licence deserves to be considered by respondent No. 3 strictly in accordance with the applicable statutory provisions, rules and regulations.
6. Accordingly, the present writ petition is disposed of with a direction to respondent No. 3, Deputy Commissioner, Udhampur, to consider and decide the petitioner's application for grant/renewal of licence by passing a reasoned and speaking order, in accordance with law, within a

period of three months from the date a certified copy of this order is made available to him.

7. It is made clear that this Court has not expressed any opinion on the merits of the petitioner's claim and all questions are left open to be considered by the competent authority in accordance with law. Needless to observe, in the event the petitioner remains aggrieved by the decision so taken, it shall be open to him to avail such remedies as may be available in law.
8. The writ petition, along with all connected applications, stands ***disposed of*** in the above terms.

Jammu
22.07.2026
Diksha



(Sanjay Parihar)
Judge