
(2019) 07 J&K CK 0021

In the Jammu And Kashmir High Court

Case No : Writ Petition (WP) No. 2371 Of 2019, CM No. 4520 Of 2019

Farooq Ahmad Sheikh

APPELLANT

Vs

State Of Jammu & Kashmir And & Ors

RESPONDENT

Date of Decision : 12-07-2019

Acts Referred:

Jammu And Kashmir Brick Kilns (Regulation) Act, 2010 — Section 4

Citation : (2019) 07 J&K CK 0021

Hon'ble Judges : Tashi Rabstan, J

Bench : Single Bench

Advocate : Sheikh Feroz, Asifa Padroo

Final Decision : Disposed Off

Judgement

Tashi Rabstan, J

1. In terms of licence bearing No.DC(BUD) 2017-18/47 dated 15.10.2017, petitioner was granted licence to manufacture, sell and supply bricks. The

said licence is valid for a period of two years. It is averred that despite the petitioner possessing the valid licence for a period of two years, the Dy.

Commissioner Budgam, at the instance of other unit holders, caused hindrance, which compelled him to file a writ petition, being WP(C) no.1831/2019.

This Court vide order dated 24.05.2019 directed the respondents to allow the petitioner to operate brick kilns in terms of licence dated 15.10.2017,

provided there was no legal impediment. It is further averred that during the pendency of the writ petition the respondents have issued communication

dated 28.05.2019, whereby, the licence issued under No.DC(BUD) 2017-18/47 dated 15.10.2017 has been suspended till further orders. Petitioner is

aggrieved of the said impugned communication and throws challenge thereto on various grounds tailored in writ petition on hand.

2. Perusal of the impugned communication reveals that though in terms of Section 4 of J&K Brick Kiln (Regulation) Act 2010 and Section 2

subsection (a) (b) of the Act No.X of 2016 dated 23.07.2016 pertinent documents were required to be annexed with the case file, yet petitioner has

not complied with the said requirement and as a consequence of which, respondents issued show cause notice dated 21.05.2019 asking him to produce required NOCs within four days. He, however, failed to do so and, accordingly, respondents passed impugned order.

3. Learned counsel for the petitioner contends that the petitioner has not received the Notice dated 21.5.2019, though the petitioner has already

produced the required NOCs at the time of issuance of the licence. After arguing for a while, learned counsel for the petitioner submits that petitioner

is otherwise ready to submit the required documents. Lastly, learned counsel for petitioner states that writ petition may be disposed of by directing

respondents to allow petitioner to submit his documents and reconsider petitioner's case within fixed timeframe. To this, learned counsel for

respondents states that petitioner's case would be considered strictly in accordance with law/rules governing the field.

4. Writ petition, in view of submission made by learned counsel for the petitioner, is disposed of by providing that the petitioner shall approach the

Deputy Commissioner, Budgam, by furnishing the required NOCs in terms of Show Cause Notice dated 21.05.2019 on or before 18th July 2019. If the

petitioner supplies the required NOCs/ requisite papers on the said date, the Deputy Commissioner shall reconsider the case of the petitioner and pass

fresh consideration order strictly under the rules regulating to the field on or before 23rd July, 2019. Writ petition is accordingly disposed of in the

aforesaid terms and conditions.