

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition (M/B) No. 281 of 2025**

**May 22, 2025**

Mahendra Singh & others

... Petitioners

**Versus**

Union of India & others

... Respondents

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**Presence:-**

Mr. Dushyant Manali, learned counsel for the petitioners

Mr. Manoj Kumar, learned Central Government Standing Counsel for the Union of India.

Mr. C.S. Rawat, learned Chief Standing Counsel with Mr. S.S. Chaudhary, learned Standing Counsel for the State of Uttarakhand

Mr. I.D. Paliwal, learned Standing Counsel for the State of U.P.

Mr. Ravi Bisht, Advocate holding brief of Mr. Aditya Pratap Singh, learned counsel for respondent no. 11

Mr. Rajeev Bhatt, learned counsel for respondent no. 12.

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**Order**

**Hon'ble Manoj Kumar Tiwari, J.**

**Hon'ble Ashish Naithani, J.**

**(Per: Hon'ble Manoj Kumar Tiwari, J.)**

1. Petitioners are agriculturist by profession and are resident of Village Fathepur Tanda, Jeewanwala, District Dehradun. In this writ petition, they have sought the following reliefs: -

- (i) Issue a writ, order or direction in the nature of certiorari quashing the Office Memorandum dated 04.12.2023, whereby permission to run stone crusher being in the form of letter of consent was issued by the Industrial Development Department, Government of Uttarakhand in favour of respondent no. 13 for establishment and operation of a stone crusher plant (Annexure No. 3 to the writ petition) and all consequential consent/permission granted in favour of the respondent no. 13.
- (ii) Issue a writ, order or direction in the nature of mandamus directing the respondents to immediately stop the operation and running the stone crusher plant

of the respondent no. 13 in Village Fathpur Tanda, Doiwala, District Dehradun.

- (iii) Issue any other or further writ, order or direction in the nature of mandamus directing and commanding the respondent nos. 11 & 12 to conduct inspection of the stone crusher plant of the respondent no. 3 and to take strict action against the same for violation of Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974, Environment (Protection) Act, 1996 and to impose adequate compensation so as to repair the wound of ecology and environment and public health affecting the petitioners.
- (iv) Issue a writ, order or direction in the nature of mandamus directing and commanding the respondent no. 4 to take appropriate and suitable action against the respondent no. 13 under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and related laws so as to get the government land freed from the clutches of the respondent nos. 13.
- (v) Issue any other, order or direction in the nature of mandamus directing and commanding the respondent no. 3 to take action against the respondent no. 13 under the provision of Northern India Canal and Drainage Act, 1873 for blocking the natural course and canal and further to ensure the original form of the canal be restored to its original form and shape.

2. According to the petitioners, Village Fathpur Tanda is a lush green village having agricultural fields and residential areas, and the residents of the said village were living happily, however, after establishment of stone crusher by respondent no. 3 in the village, the life of the villagers has become miserable, as they are now subjected to air pollution, noise pollution, water pollution etc. and the productivity of agricultural fields has also reduced significantly. It is contended that right to healthy environment is now recognised as a fundamental right and every citizen has a right to live in a pollution free and sustainable environment, however, residents of village Fathpur Tanda are forced to live in unhealthy and polluted

environment after establishment of stone crusher on their doorstep.

3. Learned counsel for the petitioners submits that without obtaining prior permission from State Pollution Control Board, Government of Uttarakhand granted permission to establish a stone crushing unit to respondent no. 13, vide Office Memorandum dated 04.12.2023, with installed capacity of 100 tons per hour.

4. Learned counsel for the petitioners submits that on 27.04.2024, consent to operate under Air, Water and Noise Pollution Acts and other environmental laws was granted in favour of respondent no. 13 by Uttarakhand Pollution Control Board and since then the stone crushing unit is operating day and night, causing all kinds of pollution, making life of the villagers miserable. He submits that the dust, which is released into the air during crushing of stones settles on agricultural crop, which has adversely affected the productivity and the silica particles emanating from the stone crusher have seriously affected health of the persons living nearby and has caused respiratory complications. He further submits that noise caused due to crushing of stones especially at night, is leading to sleep deprivation, stress and mental health issues to the persons living nearby. He further submits that dumping of waste material by respondent no. 13 has resulted in blockage of irrigation canals / water channels and has also polluted the water meant for irrigation as well as drinking purposes.

5. Learned counsel for the petitioners further submits that heavy duty trucks/dumpers are now frequenting the village for transporting riverbed material to the stone crushing unit and for taking out the finished products, resulting in severe damage to the narrow village roads and serious accidents are now occurring on account of plying of such heavy duty trucks within the village. Learned counsel submits that State Government cannot remain oblivious to the plight of the villagers and it has to take a proactive role for reducing the miseries of its people.

6. Learned counsel for the petitioners submits that permission for stone crushing units are being given indiscriminately by State Government, without ascertaining whether the site offered for setting up such unit is suitable for the purpose. He further submits that due to huge profits involved in stone crushing activity, influential persons are getting attracted, who are using their clout for getting necessary permission / consent in disregard of norms laid down by concerned agencies. He further submits that permission is granted to such powerful persons to establish stone crushing unit in villages/towns, near residential areas and it is the voiceless common man, who is suffering the most due to setting up of stone crushers in his village/town.

7. Learned counsel for the petitioners has drawn our attention to the environmental guidelines for stone crushing units issued by Central Pollution Control Board in the month of July, 2023. Para No. 6.0 (x) of the said guidelines is extracted below: -

**"6.0 Regulatory/Monitoring Mechanism for Stone Crushing Unit**

x. New Crushers should be allowed to operate only in dedicated crusher zones as per the siting policies of SPCBs/PCCs."

8. By relying on para no. 6 (x) of the aforesaid guidelines, learned counsel for petitioners submits that it is incumbent upon the authorities to earmark certain areas as dedicated crusher zones as per the siting policies of State Pollution Control Boards and new crushers can be allowed to operate only in such areas earmarked as dedicated crusher zones. He submits that in State of Uttarakhand, not a single dedicated crusher zone has been identified so far and stone crushing units are permitted to be established anywhere, as per the choice of the person interested in setting up such units.

9. Learned counsel for the petitioners has drawn our attention to para no. 4 of the aforesaid guidelines issued by Central Pollution Control Board, which gives a glimpse of only few environmental issues associated with stone crushing units. Para no. 4 of the aforesaid guidenile is extracted below: -

**"4.0 Environmental issues associated with Stone Crushing Units**

The major environmental issue due to operation of a stone crushing unit is fugitive dust emissions which is contributed by the following processes:

**Primary crushing:** Primary crushers breaks large boulders into smaller sizes. Crushing process as well as unloading of stones generate a substantial amount of fugitive dust. Mechanism for water sprinkling is provided to reduce fugitive dust. Some primary crushing areas are partially or completely covered with a shed as a measure to further prevent the fugitive dust emissions to surroundings, however at

some places partial coverings provided which do not appear to be sufficient to such emissions.

**Secondary crushing:** Compared to primary crushing, fugitive dust emitted at secondary crushing is relatively higher. Generally, insufficient covered shed provided in the process results in fugitive emissions.

**Screening:** Screening process is also a source of fugitive dust emissions. As the material is conveyed to screen from secondary crusher, screen vibrates and thus, separates the material of different sizes resulting into huge amount of fugitive dust emissions. Generally, units provide covered shed and water sprinklers to combat dust emissions however, improper design and operation of sprinklers and improper covering is an issue.

**Tertiary crushing:** Fugitive emissions are generated during grinding of stones into fine dust.

**Conveyor Belt:** Conveyor belts are primary means of transferring raw materials and products from one end to the other. Movement of products on the conveyor belts is a potential source of fugitive dust emissions. To reduce dust emissions, water sprinkling arrangement is provided on each belt. Some units cover conveyor belts either with sheets or thick cloth to reduce dust emissions.

**Product release and storage:** Fugitive emissions generated during transfer of material through telescopic chutes is lower than that generating during direct disposal of product on stockpile. Material, such as stone dust, stored in open areas is also a potential source of fugitive dust emissions.

Although no process waste water is generated from stone crushing units, however, water is used for sprinkling, conveyed to settling tanks of appropriate size which is recycled and reused in process."

10. Learned counsel for the petitioners has also drawn our attention to the order passed by Coordinate Bench of this Court in WPPIL No. 799 of 2008, whereby direction was issued to formulate policy regarding minimum distance of a stone crushing unit from forest, river bank, places of worship, schools, residential house etc. In WPPIL No. 212 of 2019, Coordinate Bench

directed the State Government to make a study on the question whether all the stone crushers/screening plants can be concentrated in the designated industrial area for Haridwar, Udham Singh Nagar and Nainital, which should be at least 2 to 3 kilometers away from residential area, hospital, places of worship etc.

11. Learned counsel for the petitioners submits that till the time State Government, in consultation with State Pollution Control Board, identifies dedicated crusher zones in all districts, mushrooming growth of stone crushers in every nook and corner of the State cannot be checked. He further submits that without proper regulation of stone crushing units, the fragile ecology of the hill State cannot be protected and it is high time to control mushrooming growth of stone crushing units in the State. He submits that the State Pollution Control Board, which is an independent statutory authority has also failed in its duty and it is simply acting as Government agency for issuing consent to operate to units, which are permitted to be established by the Government.

12. We find substance in the submission made by learned counsel for the petitioners that in recent times there is mushrooming growth of stone crushing units everywhere and many such units are being set up near residential areas or in agricultural fields. While granting permission to set up such units, certain conditions are invariably imposed, however, for authorities, it becomes difficult to enforce such conditions. To maximise their profit, the stone crushing units often

violate the conditions subject to which permission was granted. Public interest demands that stone crushing and dumping of River Bed Material (RBM) should be confined to the dedicated zones earmarked for that purpose, and such activity should not be allowed at other places.

13. We, therefore, call upon the Secretary, Mining, Government of Uttarakhand and Uttarakhand Pollution Control Board to identify areas in every district, which can be earmarked as dedicated zones for crushing and dumping of stones/RBM, within six weeks from today. We hope and expect that till the exercise of identification of such area is complete, permission for setting up new stone crushing units may be kept on hold.

14. Issue notice to respondent no. 13, by all permissible modes, including electronically.

15. List this case on 30.07.2025, immediately after fresh. In the meantime, respondents shall file counter affidavits.

**(Ashish Naithani, J.) (Manoj Kumar Tiwari, J.)**

22.05.2025

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