

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
D1-15			<p><u>WPMB No.1143 of 2025</u> <u>Hon'ble Ravindra Maithani, J.</u> <u>Hon'ble Alok Mahra, J.</u></p> <p>Ms. Bani Dikshit, Mr. Uddhav Khanna and Mr. Digvijay Singh Bisht, Advocates for the petitioner.</p> <p>Mr. P.S. Bisht, Additional C.S.C. for the State.</p> <p>Mr. Aditya Pratap Singh, Advocate for the respondent no. 3.</p> <p>Heard.</p> <p>Admit.</p> <p>Learned C.S.C. takes notices for the respondent nos. 1 and 2.</p> <p>Mr. Aditya Pratap Singh, Advocate takes notices for the respondent no.3, Uttarakhand State Pollution Control Board ("the Board").</p> <p>Issue notices to the respondent no.4, returnable within six weeks.</p> <p>Steps to be taken within a week.</p> <p>Respondents may file counter affidavit within four weeks.</p> <p>Two weeks, thereafter, rejoinder affidavit, if any, may be filed.</p> <p>List this matter for final hearing on 25.04.2026.</p> <p><u>Heard on Interlocutory Application for Stay, IA No.1 of 2025</u></p> <p>By means of the instant petition, the petitioner seeks directions to stop the operation of the respondent no.4, Doon Valley Stone Crusher ("the stone crusher"), which is situated in Village Sangatiyawala Kalan, Tehsil Doiwala.</p>

Learned counsel appearing for the petitioner submits that in Uttarakhand, a policy was formulated in the year 2021 with regard to the establishment of Stone Crushers, etc. , in the name of Uttarakhand Stone Crusher, Screening Plant, Mobile Stone Crusher, Mobile Screening Plant, Pulverizer Plant, Hot Mix Plant, Readymix Plant Permission Policy, 2021 (“the 2021 Policy”), and according to Clause 7 of it, a stone crusher may not be established within 500 metres from the bank of any perennial river, but it is argued that the stone crusher has been established within 105 metres from Song River. She also submits that, in fact, the joint inspection report, that was carried out with regard to the establishment of the stone crusher shows as if the Song River is non-perennial, but according to her, it is wrong to say so. She would refer to Annexure No.4 to the writ petition, which is a reply received under The Right to Information Act, 2005 (“the RTI”) from the Central Public Information Officer of Irrigation Department, Dehradun, which records that the Song River from Kalusidh to Fatehpur Tanda is a perennial river. Not only this, she submits that, in fact, in the official website of the Irrigation Department of the State of Uttarakhand, Song River is shown as a perennial river.

She also submits that the stone crusher lies between Kalusidh to Fatehpur Tanda within Village Sangatiyawala Kalan, Tehsil Doiwala.

Learned State Counsel submits that he has instructions that Song River is non-perennial river.

The Court invited the attention of learned State Counsel to Annexure No.4, the reply received under the RTI, which reveals that from Kalusidh to Fatehpur Tanda, Song River is perennial, as well as the official website of the Irrigation Department, State of Uttarakhand, which shows that Song River is perennial river, and then the Court requested learned State Counsel to tell what he has to say on it. He submits that as per the joint inspection report,

Song River is non-perennial.

Learned counsel for the Board submits that as per the communication received from the Executive Engineer, Irrigation Department, Song River is non-perennial, but according to him, as per the official website of the Irrigation Department, State of Uttarakhand, Song River is a perennial river.

What is being claimed is that the stone crusher has been established in violation to the 2021 Policy. It is the claim of the petitioner that the stone crusher is within the distance of 105 metres from Song River, which is a perennial river. With regard to the perennial nature of Song River, the RTI reply as well as the official website of the Irrigation Department, State of Uttarakhand, has been referred to.

Having considered, we are of the view that it is a case in which interim measure is required, and till the next date of listing, the operation of the stone crusher is to be stopped. Accordingly, the Board is directed to immediately suspend the consent to operate of the stone crusher with immediate effect. At the same time, the Court also directs the District Magistrate, Dehradun, to get the electricity and water disconnected of the stone crusher till the next date of listing.

(Alok Mahra J.)

(Ravindra Maithani J.)

07.01.2026

RV