



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 40680 of 2025

M/S Ramesh Stone Crusher Company

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Dheeraj Kumar Pandey, Surya Pratap Singh Parmar, Tanisha Jahangir Monir
Counsel for Respondent(s)	: C.S.C., Jagannath Maurya

Court No. - 21

**HON'BLE MAHESH CHANDRA TRIPATHI, J.
HON'BLE KUNAL RAVI SINGH, J.**

1. Heard Ms. Tanisha Jahangir Monir, learned counsel for the petitioner, Sri Ambrish Shukla, learned Additional Chief Standing Counsel for the State respondents and Sri Mehul Khare, learned counsel representing U.P. Pollution Control Board.

2. The petitioner has preferred this writ petition for the following relief :-

"A. Issue a writ order or direction in the nature of certiorari quashing the impugned order dated 25.10.2025 passed by District Magistrate, Sonbhadra (Mining Division)/respondent No. 3, whereby District Magistrate, Sonbhadra (Mining Division) has rejected the representation of petitioner for unsealing/releasing the Crusher Plant of the petitioner being M/s Ramesh Stone Crasher Company located at Village Billi Markundi, Pargana- Agori, Tehsil Obra, District-Sonbhadra (U.P.) (Annexure No. 9 to the instant writ petition).

B. Issue a writ order or direction in the nature of mandamus commanding the District Magistrate Sonbhadra to unseal/release the Crusher Plant of the petitioner being M/s Ramesh Stone Crasher Company located at Village Billi Markundi, Pargana- Agori, Tehsil- Obra, District- Sonbhadra (U.P.)."

3. Learned counsel for the petitioner vehemently contends that the order impugned is per se unsustainable on two fold submissions. Firstly, the permission for consolidated consent to operate and authorization was accorded by the U.P. Pollution Control Board vide order dated 04.05.2023 for the period from 04.05.2023 to 31.07.2027 which was valid for manufacturing of stone grits/aggregates @ 65,000/- tone per year. She next submits that while passing the order impugned, the respondent has failed to consider the detailed objection which has been filed by the petitioner to the extent that certain rights have been crystallized in favour of the owner of the land. While passing the order impugned, the respondent has also erred in law as the proceeding, if any, is initiated under section 67 of the U.P. Revenue Code, 2006 (for short, 'the Code, 2006'), the same has not been finalized against the petitioner. Under the Code, 2006, the petitioner has not only a right to contest the proceeding under section 67 of the Code but also there is an ample opportunity of an appeal/revision thereafter. In absence of any such proceeding which is finalized under the Code 2006, merely on the basis of some doubt which has been created on the basis of the report qua the holding, the sealing proceeding could not be drawn under the Code, 2006.

4. Considering the facts and circumstances, the matter requires consideration.

5. Let objections be filed by learned counsel for the contesting respondents within a period of three weeks. Rejoinder affidavit may be filed within one week thereafter.

6. List thereafter showing the name of Sri Mehul Khare as counsel for respondent no.2.

7. Till the next date of listing, operation and effect of the order impugned dated 25.10.2025 shall remain stayed.

(Kunal Ravi Singh,J.) (Mahesh Chandra Tripathi,J.)

February 18, 2026

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