



2026:UHC:399-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR
AND

HON'BLE SRI JUSTICE ASHISH NAITHANI
09TH JANUARY, 2026

SPECIAL APPEAL No. 18 OF 2026

Panna Vinay Shah

....Appellant

Versus

M/s Allied Plus Infra and others and others. ..Respondents

Counsel for the appellant.	:	Mr. Bhupesh Kandpal, learned counsel for the appellant.
Counsel for the respondents	:	Mr. Piyush Kumar Agarwal, learned counsel for respondent No. 1. Mr. Aditya Singh, learned counsel for respondent No. 7. Mr. Gajendra Tripathi, learned Additional Chief Standing Counsel and Mr. Yogesh Chandra Tewari, learned Standing Counsel for the State.

JUDGMENT : (per Sri G. Narendar, C.J.)

Heard learned counsel for the appellant and learned counsel for the respondents.

2. On being queried, learned counsel for the respondent-writ petitioner would submit that the writ petition was preferred on the ground that the Revenue Authorities are hand-in-glove with the appellant. This Court sought for the details of any fraud pleaded. That apart, learned counsel for the respondent-writ petitioner would submit that they have raised the grounds of *res judicata* and malice by the Authorities.

3. *Per contra*, learned counsel for the appellant would submit that the respondent-writ petitioner is claiming right through M/s Kesar Sugar Works Ltd., whose proceedings had been revisited by the Revenue Authorities and which was the subject



matter of the Appeal (SPA No. 21 of 2026), which was disposed of a short while ago.

4. Learned counsel for the respondent-writ petitioner would submit that the respondent-writ petitioner had entered into an MOU with M/s Kesar Sugar Works Ltd and in the MOU, the possession was parted to them, apparently for a consideration and; that the respondent-writ petitioner was required to develop the property under the terms of the MOU.

5. Be that as it may, it is submitted by the learned counsel for the appellant that the Company-M/s Kesar Sugar Works Ltd. has already approached the Appellate Authority and the respondent-writ petitioner *de hors* the said fact has now directly approached the writ Court under Article 226 of the Constitution. On the short ground that the Authorities are hand-in-glove with the appellant, the very *locus standi* of the respondent-writ petitioner is in question.

6. It is admitted by the learned counsel that the MOU is not registered and the possession has been delivered to him in an unregistered document. That apart, the MOU does not convey any right, title or interest in the respondent-writ petitioner.

7. If that be so, whether the respondent can maintain proceedings independent of the title holder M/s Kesar Sugar Works Ltd. In our *prima facie* opinion, the answer ought to be in the negative. That apart, the relief of appellate remedy is statutorily provided remedy and apart from the grounds envisaged by the



Hon'ble Apex Court in Whirlpool Corporation vs. Registrar of Trademark, Mumbai and others reported (1998) 8 SCC 1, the doors of the High Court cannot be knocked on vague pleadings and premise of the Authorities being hand-in-glove with the appellant (respondent in the writ petition).

8. The maintainability of the writ petition being in question, we deem it appropriate to request the learned Single Judge to adjudicate the objection of maintainability of the writ petition as a preliminary issue and also the *locus standi* of the respondent-writ petitioner to maintain the petition.

9. With the above observations, we request the learned Single Judge to consider expeditious disposal of the writ petition, as it is submitted by the learned counsel for the respondent-writ petitioner that the Appellate Authority has now kept the proceedings initiated by the Company in abeyance in view of the pendency of the writ petition before this Court.

10. It is also astonishing as to how the competent Authority, in absence of any interim direction or order, would refuse to take up the consideration of the appeal preferred by a different party.

11. In that view, we request the learned Single Judge to consider and dispose of the issue regarding maintainability of the writ petition and *locus standi* of the respondent-writ petitioner in the light of the fact admitted by the respondent-writ petitioner that the land's title which he claims is through the company-M/s Kesar Sugar Works Ltd. We further request the learned Single Judge to



13. Pending application, if any, also stands disposed of.

ASHI SH NAI THANI, J.

PRAVINDRA
SINGH RATHOUR

Digitally signed by PRAVINDRA SINGH RATHOUR
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