



2026:UHC:2925

Judgment Reserved on: 17.03.2026

Judgment Delivered on: 21.04.2026

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

Writ Petition (M/S) No. 367 of 2026

M/s Eco Friendly Food Processing Park Limited & Another

.....Petitioners

Versus

State of Uttarakhand & others

.....Respondents

Presence:

Mr. Jitendra Chaudhary, Mr. Kanti Ram Sharma and Mr. Vikas Kumar,
learned counsel for the Petitioners.

Mr. P.S. Bisht, learned Brief Holder for the State of Uttarakhand.

Hon'ble Ashish Naithani, J.

The present writ petition, filed under Article 226 of the Constitution of India, seeks a singular, interim relief dressed as a final one. The petitioners, two private limited companies, pray for a writ of Mandamus commanding the respondent-State authorities to permit them to harvest a standing sugarcane crop over a total area of 483.2 acres. This land, which they claim to possess through lease deeds from 2008, is part of the larger 'Prag Farm' in Tehsil Kichha, District Udham Singh Nagar.

2. The genesis of the dispute lies in a lease deed dated 01.03.1933, executed by the then Secretary of State for India in Council in favour of one Prag Narain Agarwal in respect of agricultural land measuring approximately 5193 acres for a period of 99 years commencing from 01.10.1932. Upon the demise of the original lessee, the leasehold rights devolved upon his legal heirs, which, over time, gave rise to multiple disputes inter se the successors, resulting in civil litigation, family



settlements, and even proceedings under Sections 145 and 146 Cr.P.C. concerning possession of different portions of the land.

3. In the year 2005, proceedings were initiated by the Collector, Udham Singh Nagar, against the legal heirs of the original lessee under the provisions of the U.P. Government Estates Thekedari Abolition Act, 1958, as re-enacted and validated by U.P. Act No. 28 of 1970. The said proceedings culminated in a batch of writ petitions before this Court, including WPMS No. 963 of 2005, filed by certain successors of late Karmendra Narain Agarwal. It is an admitted position that the present petitioners were not parties to those proceedings.

4. The record further reflects that disputes relating to the land, commonly known as “Prag Farm”, admeasuring approximately 1914 acres, continued to engage the attention of various judicial forums, including the Hon’ble Supreme Court, wherein certain arrangements and directions came to be issued from time to time in respect of possession and use of the land.

5. The case of the petitioners is that they claim possession over a portion of the said land by virtue of two registered lease deeds dated 04.06.2008 and 02.09.2008 executed by Manoj Narain Agarwal, one of the successors of the original lessee. On the strength of the said documents, the petitioners assert that they were put in possession of land measuring approximately 483.2 acres and had raised sugarcane crop thereupon prior to the events in question.

6. It is not in dispute that in August, 2025, the State authorities took over physical possession of the Prag Farm land, including the portion claimed by the petitioners, pursuant to proceedings relating to cancellation of lease and allied issues. At that stage, the crop, as claimed by the



petitioners, was standing on the land; however, they were not permitted to harvest the same.

7. It further transpires that in connected proceedings relating to the same land, the Hon'ble Supreme Court, while dealing with disputes amongst the legal heirs and other stakeholders, permitted landholders/occupants to harvest the standing crops so as to avoid wastage during pendency of litigation. Relying upon the said directions, the petitioners claim that they are entitled to similar relief.

8. The record also indicates that the petitioners approached the concerned revenue authorities seeking permission to harvest the standing crop; however, such permission was declined, compelling the petitioners to invoke the writ jurisdiction of this Court.

9. The present writ petition, therefore, has been filed seeking a limited direction to the respondent authorities to permit the petitioners to harvest the standing sugarcane crop and to restrain any interference in that regard.

10. Heard learned counsel for the parties and perused the records.

11. Learned counsel for the Petitioners submits that the Petitioners are bona fide cultivators who were put into lawful possession of the land measuring approximately 483.2 acres by virtue of registered lease deeds executed in the year 2008 by one of the successors of the original lessee. It is contended that pursuant to such possession, the Petitioners had raised sugarcane crop over the said land through their own resources and labour.

12. It is further submitted that in August 2025, the Respondent-State authorities took possession of the larger tract of Prag Farm land, including the portion under the possession of the Petitioners, at a time when the standing crop was fully grown. Despite such possession, the Respondents



have not permitted the Petitioners to harvest the crop, which is likely to perish and cause irreparable loss.

13. Learned counsel argues that the Petitioners are not asserting any title or possessory rights over the land against the State, nor are they challenging the proceedings relating to cancellation of lease or ceiling.

14. It is also contended that the Hon'ble Supreme Court, in proceedings concerning the same Prag Farm land, has permitted landholders and cultivators to harvest standing crops during pendency of litigation so as to avoid wastage. It is further argued that the benefit of such directions is not confined only to the parties before the Apex Court but extends to all similarly situated cultivators, including the Petitioners.

15. Lastly, it is submitted that denial of permission is arbitrary and unreasonable, as it leads to destruction of agricultural produce without serving any legal purpose.

16. Per contra, learned State counsel submits that the land in question forms part of a larger tract which has been lawfully taken into possession by the State pursuant to judicial proceedings concerning cancellation of lease and ceiling laws. Once possession has been resumed, the Petitioners cannot claim any right to enter upon or deal with the land.

17. It is further contended that the Petitioners derive their claim from subsequent lease deeds executed by successors of the original lessee, whose own rights are under challenge and subject to adjudication. Therefore, the Petitioners cannot claim any independent or superior right, and their possession, if any, cannot be protected in law.

18. Learned counsel also submits that the directions issued by the Hon'ble Supreme Court were in the context of parties before it and subject to specific conditions. The Petitioners, not being parties to those



proceedings, cannot seek automatic extension of those directions in their favour.

19. It is further argued that permitting the Petitioners to re-enter the land, even for harvesting, may lead to administrative complications and could be misconstrued as recognition of their possessory rights, thereby prejudicing the State's interest.

20. Lastly, it is submitted that no mandamus can be issued in favour of the Petitioners in absence of a clear legal right and therefore the writ petition being devoid of merit is liable to be dismissed.

21. At the outset, it is to be noted that though the present petition is projected as seeking a limited relief, it arises out of a long and complicated history of disputes relating to the land in question, which has already engaged the attention of this Court as well as the Hon'ble Supreme Court in multiple proceedings.

22. From the record, it is evident that the land forming part of "Prag Farm" has been the subject matter of protracted litigation involving questions of leasehold rights, succession, and statutory proceedings under the U.P. Government Estates Thekedari Abolition Act, 1958 as well as ceiling laws. The Petitioners admittedly derive their claim from lease deeds executed by one of the successors of the original lessee, whose own rights have been under challenge and are not free from dispute.

23. It is also not in dispute that the State authorities have already taken over physical possession of the land in August, 2025 pursuant to proceedings relating to cancellation of lease and allied issues. The Petitioners have not challenged the legality of such action in the present writ petition. Consequently, the possession of the State over the land stands established and cannot be interfered with in the present proceedings.



24. The entire edifice of the Petitioners' claim rests on the assertion that they had sown sugarcane crop over the land prior to the State taking possession and, therefore, they should be permitted to harvest the same. However, such a claim, in the considered view of this Court, cannot be accepted in writ jurisdiction, particularly when the Petitioners have no independent or legally enforceable right over the land. Even assuming that the petitioners had raised the crop prior to the State taking possession, such fact by itself does not create any legally enforceable right in their favour to re-enter the land or to claim harvesting rights once possession has lawfully vested with the State.

25. This Court finds that the petitioners are neither the original lessees nor parties to the principal litigation which culminated in the State resuming possession. Their rights, if any, are purely derivative and subordinate to those of the successors of the original lessee. Once the State has lawfully resumed possession, any permissive entry, even for the purpose of harvesting, would amount to recognition of a claim which is otherwise not legally sustainable.

26. The reliance placed by the petitioners on the interim order of the Hon'ble Supreme Court dated 27.01.2026 is entirely misplaced. A plain reading of the said order, a copy of which is on record as Annexure-2 to the writ petition, reveals that it was passed to safeguard the interests of the petitioners before the Apex Court and to prevent the standing crops from going to waste. The order explicitly directs that 50% of the sale proceeds be deposited with the Registrar General of this Court. The Petitioners herein were neither parties to those Special Leave Petitions nor have they offered to abide by any such conditions. An interim order, passed in the peculiar facts of a case pending before the Supreme Court,



cannot be construed as a roving license for all persons claiming any interest in the land to bypass the final, binding judgments of this Court.

27. Moreover, the grant of such permission, if extended indiscriminately, would lead to administrative complications and may open floodgates for similarly situated persons to assert claims over the land, thereby frustrating the very purpose of the proceedings under which the State has taken possession.

28. It is also to be noted that no mandamus can be issued in favour of a party unless a clear legal right is established and a corresponding legal duty is cast upon the respondents. In the present case, the petitioners have failed to demonstrate any enforceable legal right to enter upon the land or to harvest the crop after possession has been taken over by the State.

29. The Petitioners' claim, being derivative of the rights of their lessor, Mr. Manoj Narain Agarwal, cannot rise higher than the source. The rights of the successors of the original lessee have been conclusively determined against them by the judgment dated 21.02.2014, as affirmed by the Division Bench on 13.08.2025. Consequently, the Petitioners, as sub-lessees, have no independent, legally enforceable right to enter upon the land or to harvest the crop after the State has lawfully taken possession. To hold otherwise would be to permit the Petitioners to achieve, through the backdoor of an interim mandamus, what their lessor could not achieve through the main gateway of substantive litigation.

30. The equitable considerations sought to be invoked by the Petitioners cannot override the settled legal position, particularly in matters involving public land and statutory action. The writ jurisdiction under Article 226 of the Constitution cannot be exercised to create or recognize rights which are otherwise not legally tenable.

ORDER



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In view of the aforesaid discussion, this Court is of the considered opinion that no case for interference is made out. The writ petition, being devoid of merit, is liable to be dismissed.

Accordingly, the writ petition stands **dismissed**. No order as to costs.

Ashish Naithani, J.

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