



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 44461 of 2025

Jaypee Infratech Limited

.....Petitioner(s)

Versus

State Of U.P. And 8 Others

.....Respondent(s)

Counsel for Petitioner(s)

: Ankit Prakash

Counsel for Respondent(s)

: C.S.C., Saurabh Pandey

Court No. - 1

HON'BLE AJIT KUMAR, J.

HON'BLE VIVEK SARAN, J.

1. Heard Sri Gaurav Vig and Sri Ankit Prakash, learned Advocates, appearing for the petitioner and Sri Saurabh Pandey and Sri Abhay Pratap Singh, learned Advocates, appearing for the Yamuna Expressway Industrial Development Authority and Sri P.K. Shahi, learned Additional Chief Standing Counsel appearing for the State respondents.
2. On 17.12.2025, this Court had passed a detailed order that runs as under: -

"Heard Sri Gaurav Vig and Ankit Prakash, learned counsel for the petitioner, Sri Saurabh Pandey and Pranav Tanwar, learned counsel for the respondent no. 8 and learned Standing Counsel representing State respondents.

By means of this petition filed under Article 226 of the Constitution, petitioner has prayed for a writ of mandamus to direct the respondents to declare the entire stretch of Yamuna Expressway including the Toll Plazas and ran Toll Plazas situate there to be "Protest Free Zone", as according to the petitioner the public protest is unnecessarily causing harassment to the toll collectors and at times the passage on the Yamuna Expressway also gets blocked for hours together.

At this stage, learned Advocate appearing for respondent no. 8 has drawn the attention of the Court towards the order earlier passed in the matter of JP Infratech Limited being Writ - C No. 13963 of 2025 dated 14.07.2025 directing the petitioner to make representation before the

authority, who shall upon receiving the representation, will consider and decide the same in accordance with law by taking appropriate remedial measures as may be permissible. It is further submitted by the learned Advocate appearing for respondent no. 8 that petitioner has already made a representation to the State respondent and it is for them now to take decision in the matter.

Under the circumstances, it becomes a question as to whether the State respondents have taken any decision in the matter of representation already made by the petitioner pursuant to the order dated 14.07.2025 passed in Writ - C No. 13963 of 2025.

Sri Pradeep Singh, learned Standing Counsel seeks time to have instructions in the matter.

Let him have instructions in the form of affidavit of a responsible officer on behalf of the State to apprise the Court regarding the decision, if any taken, by the State upon representation made by the petitioner pursuant to the order earlier passed by this Court. The affidavit of the officer shall be placed before the Court on the next date fixed.

Put up this matter again as fresh on 19.01.2026."

3. Thereafter, the matter was listed thrice, but the matter was adjourned, as the Standing Counsel repeatedly requested for time to have instructions and respondent nos. 3, 5 and 7 on previous date, were directed to file their affidavits. Today, counter affidavits of respondent nos. 5 and 7 have been placed before the Court, they are taken on record. In the counter affidavit of respondent no. 5, which is sworn by the Nayab Tehsildar, Tehsil Mant, District Mathura, it has come to be stated in paragraph 6 that a stretch of Yamuna Expressway with mileage shown as 60-77 of Police Station Naujheel, 77-92 of Police Station Sureer, 92-105 of Police Station Mant, 105-107 of Police Station Jamunapar, 107-114 of Police Station Raya, 114-124 of Police Station Mahawan, 124-141 of Police Station Baldev, and then again 145-148 of Police Station Baldev, falls in the territorial jurisdiction of District Mathura, whereas stretch shown with mileage 141-145, Sadabad Hathras, lies in District Hathras. It has also been averred vide paragraph 7 that no farmer union or individual groups were being permitted in any

manner to carry on any protest or procession at Yamuna Expressway and if any such activity comes in the knowledge of district administration, necessary action is taken against the individuals/organisation. It has also come to be stated that police force have been established in the concerned police station within which the area of Yamuna Expressway falls in order to ensure protection to the commuters on the Expressway. It has also been stated vide paragraph 9 that dedicated place has also been assigned for the protest in Civil Lines area, near the Command Office of the Senior Superintendent of Police, Mathura. However, it has been averred further in paragraph 10 that if there was any agreement between the office bearers of farmers unions and the petitioner company for their toll free movement, then the district administration has no knowledge about the same.

4. In the counter affidavit filed on behalf of respondent no. 7, which has been sworn by Mr. Harilal Chaudhary, Naib Tehsildar of Tehsil Etmadpur, District Agra, it has come to be stated that an FIR was lodged against one Ramesh Kumar Atri, National President, Rashtriya Kisan Union and others (related to District Gautam Budh Nagar), but since it related to Gautam Budh Nagar, no comment has been made. In paragraph 15 of the counter affidavit, it has been stated that no specific representation or application has been made in the office of the answering respondent and the applications that have been annexed were regarding maintenance of law and order on 26.7.2023 upon Yamuna Expressway requiring police protection during Maha Kumbh period for the movement of devotees. It is also stated that there are permissible zones to carry out protests by the farmer unions, but since there is no prayer for declaring the toll plazas and ramp toll plazas upon the Express Highway to be declared as protest free zone, no orders have been passed. Orders of SDM, Etmadpur, District Agra dated 21.03.2026 and 22.03.2026 have been referred to, in which it is stated that no permission for any protest or demonstration was permissible on the Express Highway and if any such activity is informed, then necessary action would be taken. These orders have been brought on record as CA 1, 2 and 3. However, we find that there is no such counter affidavit filed by District Magistrate, Gautam Budh Nagar.

5. So far as the details given in the counter affidavit filed on behalf of District Magistrate, Mathura, we are satisfied that they had identified the

area for which the district administration has geared up to ensure smooth movement of commuters/traffic upon the Express Highway and the area for protest has been defined and that has been identified as such as an assigned area, but the affidavit filed on behalf of District Magistrate, Agra does not contain any detail about the stretch of the Express Highway that falls within its territorial limits and also does not disclose about identified area, assigned one for the protest purposes by the farmers or other persons. The District Magistrate, Gautam Budh Nagar, has unfortunately failed to file any counter affidavit in the matter.

6. Accordingly, we give last opportunity to both District Magistrate, Agra and District Magistrate, Gautam Budh Nagar to come out with clear details about the stretch of Express Highway that falls within the territorial limits of their respective districts and as to what instructions have been given to the police authorities and as to what kind of police arrangements have been made at the police stations falling on the Express Highway, to ensure that the Express Highway is not, in any manner, put to any kind of inconvenience to the commuters or otherwise the local traffic, if any, on the Express Highway between the police stations, at the end of the agitators or the farmers unions. The assigned places for the agitation purposes, if any, shall also be disclosed in the affidavit.

7. The District Magistrate, Agra as well as District Magistrate, Gautam Budh Nagar are accordingly directed to file their personal affidavits in the matter, failing which, they will appear in person before this Court on the next date fixed.

8. List on 22.4.2026.

(Vivek Saran,J.) (Ajit Kumar,J.)

March 25, 2026

Jaideep/-