



A.F.R.
Reserved on : 18.12.2025
Delivered on : 27.2.2026

Neutral Citation No. - 2026:AHC-
LKO:16772

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 3000077 of 1999

State of U.P.Through Collector

.....Petitioner(s)

Versus

Addl.Commissioner Lucknow

.....Respondent(s)

| | |
|---------------------------|--|
| Counsel for Petitioner(s) | : Chief Standing Counsel, |
| Counsel for Respondent(s) | : Chief Standing Counsel, C.S.C., Pawan Kumar Maurya, Prabhakar Vardhan Chaudhary, Usman Siddiqui |

Court No. - 4

HON'BLE IRSHAD ALI, J.

1. Heard Sri S.G. Singh, learned Standing Counsel for the petitioner-State and Sri Mohd. Arif Khan, learned Senior Advocate assisted by Sri P.V. Chaudhary, learned counsel for the respondent.
2. Heard learned Standing Counsel appearing for the petitioner-State and learned counsel appearing for the respondents. The Court has also perused the original records, pleadings exchanged between the parties and the short notes of arguments filed on behalf of the respondents.
3. The present writ petition has been filed by the State, challenging the order dated 07.09.1998 passed by the learned Additional Commissioner, Lucknow Division, Lucknow, whereby the appellate authority set aside the order of the Prescribed Authority dated 21.03.1998, passed under the U.P. Imposition of Ceiling on Land Holdings Act, 1960.
4. The facts giving rise to the present controversy, in brief, are that the original tenure holder late Shri Gaidan Lal held agricultural land

measuring 13.9690 hectares in village Rampur Majhiyara, Pargana and Tehsil Bilgram, District Hardoi. Ceiling proceedings were initially initiated against him, however, the same were dropped as his holding did not exceed the prescribed ceiling limit. Shri Gaidan Lal expired on 21.10.1989, and thereafter the land came to be recorded in the name of his son, Vinod Kumar.

5. Subsequently, proceedings under the Ceiling Act were again initiated by issuance of notice under Section 10(2) of the Act. Vinod Kumar filed objections on 14.11.1994. The Prescribed Authority, after considering the objections, passed an order dated 30.12.1995, declaring 4.8528 hectares of land as surplus. The said order was challenged in appeal, which resulted in a remand order dated 29.03.1997, requiring the Prescribed Authority to reconsider the matter in the light of the holdings as existing on the relevant date i.e. 8.6.1973.

6. After remand, the Prescribed Authority passed an order dated 21.03.1998. Aggrieved thereby, an appeal was preferred, which came to be allowed by the learned Additional Commissioner by order dated 07.09.1998. The State has assailed the said appellate order by filing the present writ petition.

7. Learned Standing Counsel for the petitioner–State submitted that the appellate authority has committed a patent error of law in extending the benefit of Section 5(3)(b) of the Act by taking into consideration events which occurred after the relevant date of 8.6.1973. It was contended that on the relevant date the original tenure holder was alive and admittedly had a major son, and therefore, the statutory condition for grant of additional land under Section 5(3)(b) was not fulfilled. It was further urged that the impugned order is contrary to Rule 19(3) of the U.P. Ceiling Rules, 1961, as notice under Section 10(2) had been issued during the lifetime of the tenure holder, and thus the proceedings could not have been shifted to the heirs by taking into account subsequent death. It was also argued that the appellate authority exceeded the scope of the remand and re-determined issues which stood concluded.

8. Per contra, learned counsel for the respondents sought to sustain the impugned order by contending that re-determination of land could be made only in cases where, due to passage of time, unirrigated land became irrigated or grove land lost its character. It was submitted that no spot inspection had been conducted by the Prescribed Authority, that relevant khasras of Fasli years 1378-80 had not been examined, and that the Prescribed Authority had failed to comply with the remand order dated 29.03.1997. It was also urged that on an earlier occasion the original tenure holder had not been found to possess surplus land and that, except for a negligible purchase by the mother, no further land had been acquired by the family. On the aforesaid premises, it was contended that re-determination was impermissible even under Sections 29 and 30 of the Act.

9. In support of the aforesaid submissions, learned counsel for the respondents placed reliance upon the following judgments :-

(i) **Ram Nagina Chaudhary v. State (1978 RD 280)**. Relevant paragraphs 5 to 8 are being quoted below :-

"5. In my opinion, the first contention raised by the learned counsel for the petitioner, is correct. It is not denied that the aforesaid remand order was not questioned by any of the parties in any higher forum. It cannot also be doubted that so far as the Prescribed Authority and the lower appellate court itself are concerned, the said order was binding on them. In the judgment of the Division Bench reported in Fritam Singh v. Asstt. Director of Consolidation, 1978 AWC 137 the implication and effect of a remand order have been considered and discussed. After a review of the case law, the Division Bench laid down certain propositions as emerging from such case law. The 7th proposition laid down in the said judgment is as follows:—

"So far as the court passing the remand order is concerned, it cannot question it at any subsequent stage and similarly the court below to whom the case has been remanded is bound to carry out the remand order and cannot allow it to be questioned. The remand order can be questioned only in a court higher than the court which passed the remand order."

6. It is not necessary to pause here to examine whether the Prescribed Authority is a court or not. Even if the officer acting as the Prescribed

Authority be held to be not a presiding officer of a regular court, still, in view of Section 37 of the U.P. Imposition of Ceiling on Land Holdings Act, he undoubtedly has all the powers and privileges of a civil court and he has to follow the procedure laid down in the Code of Civil Procedure, 1908 for the trial and disposal of suits relating to immovable property. Similarly, Section 38 vests in the appellate court all the powers and privileges of a civil court and enjoins that the procedure for the hearing and disposal of appeals laid down in the Code of Civil Procedure, 1908 should be followed. It seems to me that the aforementioned 7th proposition laid down by the Division Bench would be applicable to a remand order passed by an appellate authority under the U.P. Imposition of Ceiling on Land Holdings Act also. In this view of the matter, I have reached the conclusion that it was not open to the Prescribed Authority to act contrary to the directions given in the remand order passed by the lower appellate court and the Prescribed Authority was indeed bound to carry out the said directions. The lower appellate court in its remand order had, inter alia, observed—

“Plots of khata no. 181 of village Sisotar and 621 of village Sisotar measuring 17.46 acres were recorded under the orders of the S.D.O. of Bansdih dated 7-9-1968 as tenure not only of the appellant but also of five other persons. The Prescribed Authority treated the entire area as belonging to the appellant himself. This was wrong. The Prescribed Authority should have made enquiries to find out as to what was the share of the appellant in those plots. The learned counsel for the appellant tells me that the appellant did not own the entire area and that the appellant's share should prima facie be not more than 1/6. I think that the case should go back to the Prescribed Authority for fresh decision after enquiry in this respect.”

7. In the operative part of the remand order the lower appellate court directed as under:—

“I, therefore, allow this appeal, set aside the impugned order and remand the case to the Prescribed Authority for fresh decision after allowing the parties reasonable opportunity of being heard and in the light of the observations made above.”

8. In view of the said position, it was not open to the Prescribed Authority to hold that the petitioner alone was the exclusive holder of the entire 17.46 acres of Khatas nos. 181 and 621. When no evidence was forthcoming in respect of the respective shares of the recorded tenure-holders, the ordinary presumption would be that all the six co-tenure-holders had equal share in the said khatas and the Prescribed Authority should have

proceeded on the said base. Therefore, the order of the Prescribed Authority and the subsequent order of the lower appellate court affirming the decision of the Prescribed Authority must be held to be illegal and the mistakes are apparent on the face of the record."

(ii) Jasraj Indersingh v. Hemraj Multanchand (AIR 1977 SC 1011).

Relevant paragraph 14 is being quoted below :-

"14. Be that as it may, in an appeal against the High Court's finding, the Supreme Court is not bound by what the High Court might have held in its remand order. It is true that a subordinate court is bound by the direction of the High Court. It is equally true that the same High Court, hearing the matter on a second occasion or any other court of coordinate authority hearing the matter cannot discard the earlier holding, but a finding in a remand order cannot bind a higher court when it comes up in appeal before it. This is the correct view of the law, although Shri Phadke controverted it, without reliance on any authority. Nor did Shri S.T. Desai, who asserted this proposition, which we regard as correct, cite any precedent of this Court in support. However, it transpires that in Lonankutty [Lonankutty v. Thomman, (1976) 3 SCC 528] this proposition has been affirmed. Viewed simplistically, the remand order by the High Court is a finding in an intermediate stage of the same litigation. When it came to the trial court and escalated to the High Court, it remained the same litigation. The appeal before the Supreme Court is from the suit as a whole and, therefore, the entire subject-matter is available for adjudication before us. If, on any other principle of finality statutorily conferred or on account of res judicata attracted by a decision in an allied litigation the matter is concluded, we too are bound in the Supreme Court. Otherwise, the whole lis for the first time comes to this Court and the High Court's finding at an intermediate stage does not prevent examination of the position of law by this Court. Intermediate stages of the litigation and orders passed at those stages have a provisional finality. After discussing various aspects of the matter, Chandrachud, J. speaking for the Court in Lonankutty [Lonankutty v. Thomman, (1976) 3 SCC 528] observed: "The circumstance that the remaining judgment of the High Court was not appealed against, assuming that an appeal lay therefrom, cannot preclude the appellant from challenging the correctness of the view taken by the High Court in that judgment." The contention barred before the High Court is still available to be canvassed before this Court when it seeks to pronounce finally on the entirety of the suit."

(iii) **Balaswaraswami Varu v. Millidi Dorayya (AIR 1972 AP 250 DB)**. Relevant paragraphs 5, 9 and 12 are being quoted below :-

"5. The learned Judge overruled the plea that the Tribunal and Asst. Settlement officer acted in excess of jurisdiction. He confirmed the Tribunal's view that the land in question is 'Communal waste land' and rejected the writ petitions.

9. The Assistant Settlement Officer held in the first instance on 30-5-1958 that the tenants were ryots within the meaning of Sec. II of the Estates Abolition Act and directed the issue of a patta accordingly. This decision was questioned on appeal not by the Government but only by the deities. The tribunal that decided the appeal set aside the finding and directed a fresh enquiry. So far as the Government was concerned there was no challenge of the finding that the land was ryoti. In view of this position, it is contended by counsel for the appellants that the Government is precluded from asserting after the remand that the land is of such a nature that it vests in Government absolutely and no ryotwari patta is capable of being granted to any party. The scope of the remand is very limited. The function of the settlement officer is to determine in terms of the order of remand, whether the deities or the tenants are to be the grantees of the patta. There is no warrant for reopening the settled issue that a patta could be granted. This position was not canvassed in the counter affidavit of the Collector filed on behalf of the respondent.

12. The position therefore is that one of the two rival claimants is entitled to the issue of ryotwari patta. The tribunal, it is manifest did not consider that question. Nor did the Asst-Settlement officer approach the question in the true perspective. He exceeded the limit of his jurisdiction which was to conform to the limits of the orders of remand."

(iv) **Mohammad Miyan v. State [2001 (3) AWC 2359]**. Relevant paragraphs 9 to 13 are being quoted below :-

"9. A reading of the aforesaid statutory provisions clearly reveals that all proceedings under sub-sections (3) to (7) of Section 14 of the principal Act, as it stood immediately before the commencement of this Ordinance pending before any Court or authority immediately before the date of such commencement shall abate. A reading of sub-section (2) of Section 27 further reveals that where any order is passed by the competent authority under the principal Act before January 17, 1975 determining the surplus land in relation to a tenure holder and the Prescribed Authority is required to redetermine the surplus land under Section 9 of the U.P. Imposition of Ceiling on Land Holdings

(Amendment) Act, 1974 (U.P. Act II of 1975), then notwithstanding anything contained in sub-section (2) of Section 19 of the U.P. Imposition of Ceiling on Land Holding (Amendment) Act, 1972, every appeal under Section 13 of the principal Act or other proceedings in relation to such appeal, preferred against the said order on or after January 17, 1975, and pending immediately before the date of commencement of this Ordinance shall abate.

10. In the present case, as stated above, the proceedings were initiated in the year 1974, the surplus land was determined under the principal Act. The appeal was partly allowed on 30-7-1980, therefore, the provisions of sub-section (2) of Section 27 have got full application to the facts of the present case. The proceedings before the appellate authority after amending the Act came into force were liable to abate. The appellate authority acted illegally in proceeding with the appeal and declaring 7 bigha 7 baswa 10 biswansi land of the petitioner as surplus land and in asking the petitioner to give his choice.

11. The order passed by the appellate authority is, thus, liable to be quashed.

12. In view of the provision of sub-section (3) of Section 27 of the Act, after abatement, the Prescribed Authority is legally entitled to redetermine the surplus land in accordance with the amended Act. Therefore, in view of sub-section (3) of the Section 27, it will be open to the Prescribed Authority to redetermine the ceiling limit of the petitioner and to declare his land as surplus land, if any, in accordance with law and after following the procedure prescribed for the same.

13. Subject to what has been stated above, this petition succeeds and is allowed. The order dated 20-11-1974 passed by the Prescribed Authority and that of appellate authority dated 30-7-1980 are hereby quashed. So far as the claim of respondent Nos. 4 and 5 is concerned, they will be at liberty to participate in the proceedings before the Prescribed Authority and to show that the land held by them was not liable to be declared as surplus land."

(v) Jaswant Singh v. State of U.P. (1979 All LJ 25). Relevant paragraphs 6 and 16 are being quoted below :-

"6. The term 'irrigated land has been defined in Sec. 3(11) of the Act which reads as follows:

'Irrigated land' means land determined as such in the manner laid down in Section 4-A.

In view of the definition of the term 'irrigated land' contained in Sec. 3(11) of the Act, it is obvious that the Prescribed Authority can only act in accordance with the procedure contained in Sec. 4-A of the Act

in order to determine the same. It is not open to the Prescribed Authority to adopt a procedure inconsistent with the provisions of Sec. 4-A of the Act in order to find out 'irrigated land.' The relevant part of Sec. 4-A reads as follows:

"The Prescribed Authority shall examine the relevant khasras for the years 1378 fasli, 1379 fasli and 1380 fasli, the latest village map and such other records as it may consider necessary, and may also make local inspection where it considers necessary, and thereupon if the Prescribed Authority is of opinion:

Firstly (a) that, irrigation facility was available for any land in respect of any crop in any one of the aforesaid years; by (i) any canal included in Schedule No. 1 of irrigation rates notified in notification no. 1579-W-XXIII-62-W-1946, dated March 31, 1953, as amended from time to time or;

(ii) any lift irrigation canal; or

(iii) any State tube-well or a private irrigation work; and

(b) that at least two crops were grown in such land in any one of the aforesaid years; or

Secondly, that irrigation facility became available to any land by a State irrigation work coming into operation subsequent to the enforcement of the Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Act, 1972, and at least two crops were grown in such land in any agricultural year between the date of such work coming into operation and the date of issue of notice under Sec. 10; or

Thirdly (a) that any land is situated within the effective command area of a lift irrigation canal of a State tube-well or a private irrigation work; and

(b) that the class and composition of its soil is such that it is ??? growing at least two crops in an agricultural year; then the ??? Authority shall determine such land to be irrigated land for the purpose of this Act....."

A perusal of the above would show that Sec. 4-A makes it obligatory on the Prescribed Authority, to examine khasras for the years are 1378, 1379 and 1380 Faslis. It further makes it obligatory for the Prescribed Authority also to examine the latest village map. It then confers a discretion on the Prescribed Authority to examine such other records as it may consider necessary and also to make local inspection, if that too be necessary. The section then proceeds to say that thereafter, if the Prescribed Authority be of opinion, as mentioned in sub-sections Firstly, Secondly and Thirdly, he shall determine the land to be 'irrigated land.' The word 'thereupon' occurring in Sec. 4-A of the Act, to our

mind, is meaningful. According to Webster's New International Dictionary, the word 'thereupon' means "as a result of some specified things." Reading the word 'thereupon' occurring in Sec. 4-A in that manner, the mandate contained in Sec. 4-A appears to be that the opinion specified in sub-sections Firstly, Secondly and Thirdly of Sec. 4-A has to be formed by the Prescribed Authority upon the khasra for the years 1378, 1379 and 1380 faslis, upon the village map, upon such other records as it may consider necessary and upon local inspection, if the Prescribed Authority considers it necessary to make one. There are no words in Sec. 4-A to justify anything other than that specified therein to be made use of by the Prescribed Authority for the formation of opinion on the points specified in sub-sections Firstly, Secondly and Thirdly thereof. The legislature thought it fit to confine the scope of enquiry to the examination of documents and local inspection presumably because almost everything that is mentioned in various sub-sections of Sec. 4-A was capable of being ascertained on the basis thereof and, indeed, where any fact can be ascertained on the basis of documents, oral evidence can serve no useful purpose.

16. For all the reasons stated above, we find ourselves in agreement with the view expressed by Hon'ble R.M. Sahai, J. in Ghasiram v. State (supra), and we hold that it is not permissible for a Prescribed Authority to make use of any oral evidence in the course of an enquiry under section 4-A of the Act."

(vi) Ram Sagar v. Civil Judge Bahraich (1985 All LJ 125). Relevant paragraphs 4, 5 and 7 are being quoted below :-

"4. I have carefully considered the arguments of the learned counsel for the parties and I find much substance in the arguments of the learned counsel for the petitioner. It is well settled that while computing the irrigated area, the Prescribed Authority has to consider Khasra and relevant revenue records in order to find out other irrigation facilities were available to any land in respect of any crop in 1378F, to 1379 and 1380F. by any canal, or any State tube well or by a private irrigation work and also to find out whether two crops were grown over such land in any of the aforesaid years, see Roshan Singh v. State of U.P., 1978 All LJ 1376.

5. It is also equally well settled that the onus lies on the State to establish that the land which is mentioned in the notice is irrigated land when a challenge is made by the tenure-holder while filing objection. State Government is a party to every proceedings under Section 10(2) of the Act. In such a case there is an adversary proceedings before the

Prescribed Authority between the tenure-holder and the Government. It has been held in Roshan Singh's case (supra) that in such a case what comes out is that the Government assumes the role of plaintiff and the tenure-holder that of the defendant. On the basis of the statement prepared under Section 10 and the objection filed by the tenure-holder-petitioner thereto, the Prescribed Authority strikes the issue and decides the case. When it is disputed by a tenure-holder in the objection filed against a notice that any particular plot is unirrigated and that the same has been wrongly treated as irrigated land, the onus lies squarely on the State to establish that any land treated as irrigated land in the notice actually bears that character. It is not for the tenure-holder to establish in negative that the land is unirrigated and that it has been wrongly treated to be irrigated land in the notice. It is incumbent upon the Prescribed Authority to examine the relevant Khasras for the years 1378, 1379 and 1380 Fs. in order to ascertain the nature and character of the land in question. This question cropped up for consideration before the Full Bench of this Court in 'Hareshwar Dayal Seth v. Second Addl. Distt. Judge decided on 27-7-1981 in writ petn. No. 767 of 1977. Reported in 1982 All CJ 207, wherein it was held that the Prescribed Authority has to summon and examine the aforesaid relevant Khasras. Thus the onus does not lie on the tenure-holder to establish that the land which has been treated to be irrigated in the notice does not bear that character because there is no presumption as to the correctness or validity of the entries which are disputed or challenged.*

7. Although the lower appellate court has observed that the Prescribed Authority has wrongly decided the issue and the manner in which the issue was approached and dealt with is incorrect, but in spite of this finding he has quite apparently erred in repelling the contention of the petitioner. As already observed above it was incumbent upon the Prescribed Authority to have summoned and perused the relevant Khasras for the years 1378, 1379 and 1380F. While recording a finding as to whether plot No. 210 is irrigated or unirrigated. The Prescribed Authority has not mentioned that the aforesaid Khasras were perused by him while deciding the said issue. When the extracts of the Khasras were not on record it is difficult to hold that the prescribed authority should have looked to the entries in the said relevant Khasras, and, as such, no presumption could be drawn in the matter that he had perused those Khasras referred to in Section 4-A of the Act. The onus lay on the State to establish that the plot in question was rightly treated as irrigated land in the notice served on the tenure-holder and, as such, either the extracts of the aforesaid relevant Khasras should have been filed

by it or the original record should have been summoned and perused by the Prescribed Authority itself."

(vii) **State of U.P. Vs. Mukh Ram Singh (1991 RD 312)**. Relevant paragraphs 5 and 6 are being quoted below :-

"5. It will be clear from a perusal of the abovementioned provisions that before a land may be held to be an irrigated land, it is the duty of the Prescribed Authority to examine the relevant khasras for the years 1378 Fasli to 1380 Fasli, the latest village map and such other records as may be considered necessary. Then he may also make local inspection where it is considered necessary. After that, the prescribed Authority has to record a finding whether the land is situated within the effective command area of a lift irrigation canal of a State Tube-well or a private irrigation work and also whether the class and composition of its soil is such that it is capable of growing at least two crops in an agricultural year. If the prescribed procedure has not been followed and no such findings are recorded then the Prescribed Authority will have no jurisdiction to determine the land to be an irrigated land for the purposes of the Act.

6. In the present case, it has been observed by the Prescribed Authority in his judgment that he did not examine the khasras for 1378 to 1380 Fasli because they were not produced by the party concerned. He has mentioned that there are private tube wells near the disputed plot and only on this basis he had recorded the finding that the said plot is an irrigated land. It was open to the Prescribed Authority to ask for the Khasras from his own records and examine the same, and not only the khasras but also the village map and other necessary records. He has not specifically recorded the finding that the class and composition of soil is such that it is capable of growing at least two crops in an agricultural year. Therefore simply because there are two tube wells near the disputed plot, it cannot be held in view of Section 4-A, and clause thirdly of that Section, that it is an irrigated plot. Moreover the finding recorded by the learned Additional District Judge is a finding of fact based on appreciation of evidence including entireties in Khasra 1380 Fasli and there is no justification to interfere with the said finding, in the writ petition. It may be incidently mentioned that the learned counsel for the opposite parties has also referred to the case reported in 1979 AWC 9Dhirendra Mohan Chaudhary v. IInd Additional District Judge, Bareilly, in which it has been held that in order that a land may be termed as irrigated one, it is necessary that the land must be irrigated from the canal or any lift irrigation canal or any State Tube

well or a private irrigation work and that even if the land is irrigated by boring Tube-well, it cannot be said that the irrigation work was done from a private irrigation work and it cannot be termed as irrigated land."

(viii) **Nathoo Singh v. State of U.P. (1979 All LJ 354)**. Relevant paragraph 2 is being quoted below :-

"The first contention is that plot No. 230/2 measuring four bighas, has been wrongly held to be irrigated. It appears from the judgment of the Additional District Judge, acting as the appellate authority under the Act, that no Khasras were prepared for 1378F, 1379F, and 1380F due to consolidation operations. Rule 3 provides that in such cases, Khasras for earlier years could be examined by the prescribed authority. The Additional District Judge has held that the tenure-holder having failed to produce the khasras for the preceding years, it should be presumed against him that the land was irrigated. This view is contrary to that taken by the Division Bench in Jaswant Singh v. State (1978 All WC 577): (1979 All LJ 25). According to their Lordships, it is for the prescribed authority to examine the Khasras entries for 1378F to 1380F, if available and the latest village map, and it is also open to the Prescribed Authority to examine other records (which would include khasras for the preceding years) and to make a local inspection. The finding about irrigation has to be given on the basis of the evidence referred to in S. 4-A and it is for the Prescribed Authority to comply with the requirements of this section. The finding based on non-production of the relevant records cannot, therefore, be sustained."

10. After having heard the rival submissions of learned counsel for the parties, I perused the material on record as well as the judgments relied upon by the respondents.

11. The primary contention advanced on behalf of the petitioner- State is that the appellate authority committed an error in extending the benefit of Section 5(3)(b) of the Act by taking into account events subsequent to the relevant date. However, upon a closer scrutiny of the impugned appellate order, this Court finds that the appellate authority has not acted in contravention of the statutory scheme.

12. The judgments relied upon by learned counsel for the respondents clearly emphasize the binding nature of remand orders and the obligation of subordinate authorities to act strictly within their confines. In **Ram**

Nagina Chaudhary v. State, it has been categorically held that the authority to whom the matter is remanded cannot act contrary to the directions contained therein. In the present case, the appellate authority rightly noticed the deficiencies in the approach adopted by the Prescribed Authority while reconsidering the matter after remand.

13. Further, the reliance placed upon the principles laid down in *Jasraj Indersingh v. Hemraj Multanchand* fortifies the position that findings at intermediate stages of litigation possess only provisional finality. The appellate authority was therefore well within its jurisdiction to examine whether the Prescribed Authority had complied with the remand directions in their true spirit.

14. The respondents have consistently asserted that the Prescribed Authority failed to undertake the mandatory exercise contemplated under the Act and Rules, particularly with regard to examination of relevant khasras and revenue records. The judgments cited, including *Jaswant Singh v. State of U.P.*, *Ram Sagar v. Civil Judge Bahraich*, and *State of U.P. Vs. Mukh Ram Singh*, unequivocally lay down that determination of irrigated land must strictly conform to the procedure prescribed under Section 4-A of the Act.

15. From the record, this Court finds substance in the submission of learned counsel for the respondents that the Prescribed Authority did not adhere to the statutory mandate in its proper perspective. The appellate authority, while passing the impugned order, has taken into account these material irregularities.

16. It is well settled that where an authority fails to comply with mandatory procedural requirements, the resultant order stands vitiated in law. The appellate authority, therefore, cannot be said to have committed any jurisdictional error warranting interference by this Court.

17. The scope of interference under Article 226 of the Constitution is limited. This Court does not sit in appeal over findings of fact recorded by the competent appellate authority unless the same are shown to be

perverse or manifestly illegal. No such infirmity has been demonstrated by the petitioner-State.

18. In view of the settled legal principles emerging from the judgments relied upon by learned counsel for the respondents, this Court finds no illegality or perversity in the impugned appellate order dated 07.09.1998.

19. The writ petition, being devoid of merit, is accordingly **dismissed**.

20. No order as to costs.

(Irshad Ali,J.)

February 27, 2026

Gautam