

AFR



2026:AHC-LKO:38092

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT – B No. 137 of 2026

Dr. Kashmir Singh And Another

... Petitioners

Versus

Board Of Revenue, Lko. Thru. Chairman And Others

...Respondents

Counsel for Petitioner(s) : Aseem Goswami

**Counsel for Respondent(s) : C.S.C., Bhanu Bajpai, Dhawal Bir Prasad,
Namit Sharma, Ratnesh Chandra,
Shailendra Singh Chauhan**

CONNECTED WITH

WRIT – B No. 159 of 2026

M/S Antilia Organics Private Limited, Lko. Thru.
Director Sri Udai Singh

... Petitioners

Versus

Board Of Revenue Thru. Chairman, Near D.M. Officer,
Kaiser Bagh, Lko. And Others

...Respondents

Counsel for Petitioner(s) : Azhar Ikram, Rishabh Kapoor

**Counsel for Respondent(s) : C.S.C., Bhanu Bajpai, Rajesh Kumar
Singh, Ratnesh Chandra, Shailendra Singh
Chauhan**

*Reserved: 29.04.2026
Pronounced: 26.05.2026*

Court No. 6

HON'BLE PANKAJ BHATIA, J.

J U D G M E N T

1. Writ – B No.137 of 2026 has been filed by the petitioners seeking quashing of the order dated 19.01.2026 (Annexure – 1), order dated 18.09.2025 (Annexure – 2) as well as order dated 21.03.2024 (Annexure – 3) whereby revision preferred by the petitioners was dismissed, the appeal preferred by the petitioner was dismissed and an order was passed against the petitioner modifying the revenue entries, respectively.

In Writ – B No.159 of 2026 also the same orders have been challenged.

2. As the facts and the issues raised are same, the facts culled out from Writ – B No.137 of 2026 are being recorded.

3. The petitioners of Writ – B No.137 of 2026 claim title over the property which is subject matter of the issue by virtue of two sale deeds executed in their favour on 30.05.2007 and 11.12.2007 to the extent of 1/3rd of the share each.

4. The facts as narrated in the writ petition and in the written submissions filed on behalf of the petitioners, in brief, are that the petitioners are the owner of 2/3rd share of the land bearing Gata No.315 situate at Village Ardaunamau, Tehsil Sarojni Nagar, Lucknow by virtue of sale deeds executed in their favour. The said sale deeds were executed based upon revenue entries which existed in favour of the sellers of the property. It is also stated that in terms of the sale deeds, names of the petitioners were mutated in the revenue records and they were in possession of the property to the extent of sale deed executed. It is stated that after the execution of the sale deeds some times in the year 2016, respondent no.4 – the successor of the original tenure holder – filed an application under Section 30 of the U.P. Revenue Code, 2006 (*herein after referred to as 'the Code'*) seeking correction/rectification of the map of land situate at Gata No.315 M 4. It is stated that in the year 2017 in a

meeting held in the office of the District Magistrate certain oral instructions were issued and some inquiry was got conducted in respect of Gata No.315 and thereafter, a case was registered under Section 32/38 bearing Case No.T2017104639057007 (State v. Hasan Ali and Ors.).

5. It has also been pleaded that on 05.09.2000 the State Government had issued a notification under Section 4 of the Land Acquisition Act intending to acquire 4 Bigha of the land comprising Khasra No.315M for construction of Amar Shaheed Path, Gomti Nagar Vistar Yojna. Subsequently, the notification was issued on 16.02.2001 under Section 6 read with Section 17 of the Land Acquisition Act only in respect of part of the proposed acquisition and an award was also passed on 17.05.2006 granting compensation to the recorded owner over 2 Bigha 12 Biswa and 5 Biswansi of land out of the acquired land bearing Khasra No.315.

6. It is also pleaded that on the one hand the application of the recorded owner moved for correction of the map under Section 30 was pending, on the other hand, some inquiry was got conducted and inquiry report dated 31.08.2017 was passed and without giving any opportunity of hearing, in the said report it was held that the entry in the Khatauni of fasli year 1359 regarding the area mentioned for Gata No.315 appears to be suspicious, and recommendation was made for cancellation for which the case was registered under Section 32/38, as recorded above.

7. It is also pleaded that in respect of the case instituted by the erstwhile owners under Section 30 of the Code, spot inspection was directed to be carried out in terms of the order dated 01.08.2018 and to submit a report thereafter. In terms of the spot inspection, a detailed report was submitted on 08.02.2019 (Annexure – 10).

8. It is also pleaded that in the case under Section 32/38, the Lucknow Development Authority (LDA) also intervened and alleged that fraudulent entry in respect of plot bearing Gata No.315 was made in various fasli year and was liable to be set aside. It is stated that the LDA tried to

dispossess the petitioners and respondent no.5 (the petitioner of Writ – B No.159 of 2026) and started raising certain constructions.

9. Feeling aggrieved by the said action, respondent no.5 preferred a writ petition being Writ Petition No.2579 (M/B) of 2021 in which directions were issued for maintaining status quo and for deciding the proceedings finally under Section 30 as well as under Section 32/38 vide judgment dated 01.12.2021 (Annexure – 12).

10. It is stated that in defiance of the said interim order constructions were being made for which a contempt application was also filed and the LDA not only raised construction but also earmarked the said land for public purposes, as such, the present petitioners also preferred a writ petition being Writ – C No.9137 of 2023 wherein once again directions were issued that till the disposal of the proceedings under Section 30 and under Section 32/38, no construction shall be raised. The said direction was given in the judgment and order dated 17.10.2023. It is stated that in pursuance to the said direction given the petitioners appeared before respondent no.3/authority. Both the cases were consolidated.

11. It is also pleaded by the petitioners that a civil suit for permanent injunction was also filed which subsequently became infructuous. It is also pleaded that in the proceedings under Section 32/38, three Lekhpals namely Narendra Pathak who had prepared the report dated 31.08.2017, Shri Harswaroop and Shri lekhpal Singh had to appear for personal appearance on 17.11.2023 alongwith the petitioners and the statement of all three Lekhpals were recorded allegedly in the absence of the counsel for the petitioners. It is alleged that the petitioners were compelled to complete the cross-examination of all the three Lekhpals on the said date. Statements of the Lekhpals and the cross-examinations are contained in Annexure – 16.

12. It is stated that subsequently vide order dated 23.11.2023 both the cases were decided (Annexure – 17) wherein it was held that the mutation entries which were erroneous were liable to be corrected and the case

instituted under Section 30 was liable to be dismissed, and directions were issued for carrying out the mutation entries in terms of the said order.

13. Feeling aggrieved against the order dated 23.11.2023 the petitioners approached this Court by filing a writ petition being Writ – C No.20419 of 2023 and Writ – C No.21718 of 2023 was preferred by the petitioner of Writ – B No.159 of 2026. Subsequently, both the writ petitions were allowed vide order dated 05.01.2024 and the order dated 23.11.2023 was set aside and all the parties were directed to re-appear before ADM, Finance and Revenue on 16.01.2024. Further, the ADM was directed to pass fresh order after completing the pleading and after giving them opportunity to file documents or pleading and evidence that they may wish to produce. Judgment and order dated 05.01.2024 is on record as Annexure – 21.

14. It is stated that on the date fixed i.e. on 20.01.2024 preliminary objections were filed regarding maintainability of the proceedings under Section 32/38 and certain applications were also moved by the petitioners which were not disposed off, however, on the preliminary objection, objections were invited and 12.02.2024 was fixed for final disposal.

15. Subsequently, vide order dated 04.03.2024, the parties were directed to submit their evidences and the matter was directed to be listed on 11.03.2024. It is pleaded that as the preliminary objections were not being disposed off the petitioners filed a writ petition under Art. 227 of the Constitution which was finally disposed off on 14.03.2024 giving directions to decide both the pending cases and to submit the order passed before the High Court.

16. In terms of the directions given by the High Court, the matter was fixed for hearing on 16.03.2024 in which the LDA was also permitted to participate; despite them not being a party to the proceedings they were also permitted to file objections also.

17. It is argued that ultimately vide order dated 21.03.2024 the case of the petitioners predecessor filed under Section 30 of the Code was

dismissed and the case of the State under Section 32/38 of the Code was allowed with directions to rectify the mutation entries.

18. It is stated that against the order dated 21.03.2024 once again a Writ Petition being Writ – C No.3704 of 2024 was filed, however, the same was dismissed on the ground of alternative remedy against which an order correction application and a review application was also filed which also were dismissed.

19. Challenging the order passed by the High Court, an SLP being Special Leave to Appeal (C) Nos.12519-12520/2024 was also filed which came to be dismissed on 03.06.2024. Thereafter, the petitioners preferred an appeal on 25.06.2024 under Section 38(4) of the Code. It is stated that, subsequently, on account of the nature of the land being changed, an application was filed for grant of interim relief along with an urgency applications on which respondent no.2 vide its order dated 22.07.2025 reserved the judgment on the interim relief application after hearing both parties and after about two months, respondent no.2 dismissed the appeals vide order dated 18.09.2025, despite the fact that respondent no.2 had been transferred from the post of Commissioner, Lucknow Division, Lucknow on 16.09.2025. Aggrieved against the order dated 18.09.2025, the petitioners preferred a revision under Section 210 of the Code

20. Two revisions were also preferred by respondent no.5. It is stated that, in the revision, no orders were passed on the interim relief application preferred by the petitioners, as such, respondent no.5 preferred a petition being Matters Under Article 227 No. 7384 of 2025 (M/s Antilia Organics Pvt. Ltd. v. Board of Revenue & Ors.), wherein directions were issued to move a fresh interim application; further directions were issued to decide the same and parties were directed to maintain status quo over the land in question vide its order dated 18.12.2025. It is argued that respondent no.1, without granting any opportunity and without deciding the interim application, ultimately dismissed the revisions in terms of the

order dated 19.01.2026. All the said three orders dated 21.03.24, 18.09.25 and 19.01.26 are under challenge.

21. Sri Vivek Raj Singh, learned Senior Advocate appearing on behalf of the petitioners, argues that the present case is nothing but an abuse of power by the authorities and impugned orders have been passed under pressure from the State Government as well as LDA and by the Appellate Authority despite she being transferred from the post.

22. It is also argued that the LDA has forcefully taken possession of the land in the garb of an order under Section 32/38 of the Code. It is contended by the petitioners that the entire proceedings initiated under Section 32/38 were initiated in the year 2017 in respect of the entries made in the year 1952 (1359 Fasli) and were changed after lapse of 66 years, which is barred by limitation. It is argued that, by virtue of Section 214 of the Code, the provisions of the Limitation Act are made applicable and the maximum period of limitation specified under Article 137 of the Limitation Act could be exercised within this said period i.e. a period of three years for an application, as such, the proceedings are barred by limitation. It is further argued that it is fairly well settled by the Supreme Court that even if no limitation is prescribed, the action should be taken within a reasonable period, whereas, in the present case action was taken after 66 years

23. The next limb of the argument is that there was violation of the principles of natural justice. It is argued that the authorities have given unnecessary leverage to the LDA to allow them to participate in the proceedings even after the orders were reserved, which is demonstrative of the bias and predetermined intent. It is argued that the authorities have not considered various grounds raised, which are to the following effect:

- *State being the custodian of Revenue Records.*
- *Presumption of correctness of the revenue records.*
- *Correction sought related to the revenue record of 1359 F.*
- *Long standing entries.*

- *Unexplained long delay in initiation of proceedings.*
- *Validity of sale deeds and mutation entries.*
- *Collection and increase of revenue (Lagaan) by the State authorities.*
- *Validity of the survey reports done by LDA prior acquisition.*
- *Reports regarding the land available on spot.*
- *Maps of LDA showing the correct size of the land.*
- *Report stating discrepancies in the maps.*
- *Not performing the statutory duty of up keeping the revenue records. And timely updating by State Authorities.*
- *The land being effected by the alluvial and fluvial action of river being near to river Gomti.*
- *Contradictory reports of case under 32/38 and case under section 30.*
- *Suppression of material evidence forwarded by the lekhpal including the 1952 agreement. Respondent no. 1, 2 and 3 mischievously recorded findings of non-submission of the agreement dated 22.04.1952. In reality, the said agreement was duly perused by Lekhpal Mr. Narendra Pathak and forwarded in the case under Section 32/38. His statement was recorded in examination-in- chief and cross-examination, confirming the existence of the agreement. And no rebuttal is made of the same in the entire order.*
- *Contradictory orders passed under 38(1) and 38(5) calling the entry to be a mistake and calling it fraud.*
- *Title cannot be decided in proceedings u/s 32/38.*
- *Possession cannot be taken in proceedings u/s 32/38.*
- *Non application of section 24 UP ZA & LR Act in the instant case.*
- *Changing of the "appointed date" by the State government by the act 1972.*
- *The agreement (said to be fraud) being dated prior to the appointed date.*
- *The Jamindar/ intermediary having powers to control the affairs of land prior to the enactment/application of U.P ZA & LR Act.*
- *The jamindar/ intermediary was the proprietor of the land and was authorized to enhance the rent of any tenant as well as the area, under certain conditions, as provided in United Provinces Tenancy Act 1939.*
- *Ignoring this material evidence amounts to perversity and deliberate suppression. None of these grounds were considered in any orders passed by any court including the appellate and revisional courts. The orders are therefore vitiated for non-application of mind and failure to adjudicate the specific pleas raised by petitioners.*

24. It is also argued that the exercise of powers was malafide.

25. It is next argued that the property rights of the petitioners have been violated in the garb of exercise of powers under Section 32/38 of the Code

and the LDA has been made owner of the property owned by the petitioners without there being any acquisition and the same is also in violation of Art. 300A of the Constitution.

26. In light of this, it is argued that the orders impugned are liable to be set aside.

27. Shri Azhar Ikram and Shri Rishabh Kapoor, learned counsel(s) appearing on behalf of the petitioners of Writ – B No.159/2026 argue that Section 24 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act (*hereinafter referred to as the 'UPZA & LR Act'*) provides that any contract or agreement made between an intermediary and any person on or after the first day of July, 1948, which has the effect, directly or indirectly of contravening the provisions of sub-clauses (a) and (b), shall be null and void.

28. It is argued that respondent no.1 has failed to appreciate that U.P. Land Tenures (Regulation of Transfers) (Re-enactment and validation) Act, 1972 (*herein after referred to as 'the 1972 Act'*) was enacted precisely to validate transfers of land made by tenure holders before 31.05.1952. It is argued that Section 3 of the 1972 Act provides that all such transfers shall be deemed valid notwithstanding any defect in procedure, want of sanction or irregularity, provided consideration was paid and possession was delivered. It is submitted that thus, the agreement dated 22.04.1952 being prior to 31.05.1952 squarely falls within the protective umbrella of the 1972 Act and once validated by statute, such transfer cannot be reopened or nullified by the revenue authorities under Sections 32 or 38 of the Code.

29. It is further argued that respondent no.1 has erred in misconstruing the scope of Section 24 of the UPZA & LR Act. It is argued that Section 19 provides that all the land held by a hereditary tenant shall be deemed to have been settled with *him by the State Government thereby conferring upon him the status of "Sirdar"* with entitlement to retain possession.

30. It is also argued that Sections 246 and 247 of the UPZA & LR Act also contemplate the existence of valid leases executed by Zamindars between 01.07.1948 and 30.06.1952, thus, the leases executed in this period are not nullified in toto by Section 24; they are void only for the limited purpose of determining rehabilitation grant payable to the Zamindar.

31. Reliance is placed upon a judgment in the case of *Ram Piari and Ors. v. Board of Revenue and Ors.; 1983 AWC 330 All* wherein it was held that the leases executed prior to 30.06.1952 retain validity and cannot be annulled under Section 24 except for rehabilitation grant computation.

32. Contentions of Shri Azhar Ikram and Shri Rishabh Kapoor, learned counsel(s) with regard to limitation are similar to the contentions of Mr. Vivek Raj Singh, learned Senior Advocate. Submissions with regard to other arguments are also similar and are not being reproduced for the sake of brevity.

33. Shri Anuj Kuddesiya, learned Additional Advocate General appearing on behalf of the State as well as Sri Mukund Tiwari, learned Senior Advocate appearing on behalf of the LDA, controverted the submissions of the petitioners by arguing that it is wrong to allege that the Commissioner was not holding the charge on the date when the order was passed. It is admitted that, although the Commissioner was transferred on 16.09.2025, the actual handing over of the charge happened to the successor only on 20.09.2025, and thus no contention on that ground should be accepted.

34. Controverting the allegation with regard to limitation for correction of the revenue records, it is submitted that the U.P. Revenue Code Rules, 2016 specifically provide under Rule 191 read with Appendix I that for an application under Section 38(1) of the Code, for correction of records, the prescribed limitation period is NIL and once the statute itself does not provide for any limitation, the contention on that count is liable to be rejected. It is argued that when a special statute prescribes its own

limitation, the same shall prevail over the general provision contained in the Limitation Act by virtue of mandate Section 29(2) of the Limitation Act and the U.P. Revenue Code being a special statute governing the land records would override the prescriptions contained in the Limitation Act, specifically in respect of Section 38 of the U.P. Revenue Code, 2016.

35. It is argued that rules or limitations are not applicable in case of a fraud. It is argued that the fraudulent entry recorded in the revenue record came to the knowledge when the application under Section 30 of the Code was filed sometime in the year 2016, on which the authorities acted swiftly and the proceedings were initiated in the year 2017, thus, there was no delay on the part of the State.

36. It is argued that the entire claim of the petitioners is based upon a fictitious entry which does not confer any right and can be expunged at any stage and can also be expunged, treating the same to be a clerical mistake. It is argued that the entire case of the petitioners is that the predecessor in interest had an agreement in his favor, executed on 22.04.1952, which, according to them, is a registered agreement and is the foundation upon which legal rights are claimed, however, the said purported agreement has never been provided, nor have the details of registration of the said agreement ever been provided in any of the proceedings, including before this Court.

37. It is further argued that the land bearing Gata No.315 was having an area of 16 Biswa in the settlement records of 1332 Fasli, however, in the records of 1359 Fasli, the area was increased to 2 Bigha, 12 Biswa and 5 Biswansis. Somehow, strangely, from the Fasli year 1360, the area of land was increased to 23 Bighas, 8 Biswas and 5 Biswansi, for which there was no material to indicate how the area of the Zamindar could be increased vide an agreement which is alleged to have been in the possession of the petitioners predecessor in interest. It is, thus, argued that the entry in the revenue record was fraudulent and was rightly expunged by means of the impugned orders.

38. It is further argued that the entry relied upon by the petitioners is forged and fabricated. It is stated that the order in the revenue records is in Hindi, however, where the area is increased on the basis of an agreement, the same is written in Urdu, which does not even disclose the date or authority/Court which passed the order based upon which the amendments were carried out in the revenue records.

39. It also bears from the record that no such order could be found in the record room. It is argued that under the U.P. Tenancy Act or the U.P. Land Revenue Act or any other applicable statute, there is no provision entitling the Zamindar to unilaterally increase the area of the plot recorded in the revenue records. It is argued that the agreement allegedly executed in favour of the predecessor in interest of the petitioners is dated 22.04.1952 - the same could not have been executed by the erstwhile Zamindar - and for the sake of arguments even if the same is treated to be existing, the same would be barred by Section 24(b) of UPZA and LR Act, which came into force from 1st July 1958 and after the enforcement of the said Act, no authority had the jurisdiction to alter the areas of the plot or to create any rights inconsistent with the statutory provisions. Thus, it is argued that the claim of the petitioners based upon the agreement is neither supported by the fact nor is sanctioned by law and is nothing but a void document, even if the same is treated to be existing.

40. In the light of said, it is argued that the writ petitions are liable to be dismissed.

41. In the light of the contentions raised, it is essential to notice the provisions of law as existed prior to the U.P. Revenue Code, 2006 being enacted.

42. U.P. Zamindari Abolition and Land Reforms Act was enacted in the year 1951. In terms of Section 4 of the said Act, the State Government was empowered to declare a date through a notification with effect from which all estates situated in Uttar Pradesh were to vest in the State

Government. In the present case, vesting took effect from 1st July 1952.

Section 4 of UPZA & LR Act is quoted herein below :

“4. Vesting of estates in the State.—(1) *As soon as may be after the commencement of this Act, the State Government may, by notification, declare that, as from a date to be specified, all estates situate in Uttar Pradesh shall vest in the State and as from the beginning of the date so specified (hereinafter called the date of vesting), all such estates shall stand transferred to and vest, except as hereinafter provided, in the State free from all encumbrances.*

(2) *It shall be lawful for the State Government, if it so considers necessary, to issue, from time to time, the notification referred to in sub-section (1) in respect only of such area or areas as may be specified and all the provisions of sub-section (1) shall be applicable to and in the case of every such notification.”*

43. It is essential to note the mandate of sections 22, 23 and 24 of UPZA & LR Act, which were restrictions on the rights of the intermediary or a tenant in respect of rent quantified or the transfer or the agreement. Sections 22, 23, and 24 are quoted here in the below:

“22. Variation in rent on or after July 1, 1948 not to be recognised.—*Notwithstanding any contract made, or anything done or permitted to be done, on or after the first day of July, 1948, by or on behalf of an intermediary or a tenant, in respect of any land forming part of an estate acquired under this Act, the rent payable therefor by the tenant on the date immediately preceding the date of vesting shall be deemed to be an amount equal to the rent payable by the tenant or his predecessor-in-title on the date aforesaid and any reduction or remission made therein after the said date, otherwise than in pursuance of a decree or order of a court, shall not be taken in account :*

Provided that where the rent reduced in pursuance of any decree or order aforesaid is less than the amount computed at appropriate circle rate the rent payable shall be an amount so computed.

23. Transfer by way of sale or gift not to be recognised.—(1) *Notwithstanding anything contained in any law, no transfer, by way of sale or gift, of any estate or part thereof—*

(a) *made on or after the first day of July, 1948, shall be recognised for the purpose of assessing the amount of rehabilitation grant payable to the intermediary,*

(b) [** * **]

(2) *Nothing in sub-section (1) shall apply to—*

(a) *any sale made under order of a court in execution of any decree or order for payment of money, or*

(b) *any sale or gift made in favour of a waqf, trust, endowment or society established wholly for charitable purposes, unless the State Government in any particular case directs otherwise.*

Explanation.—For the purposes of sub-section (2), “society” means a society registered under the Societies Registration Act, 1860 [Act XXI of 1860.]

24. Contract of agreement to defeat provisions of this Act to be void.—*Any contract or agreement made between an intermediary and any person on or after the first day of July, 1948, which has the effect, directly or indirectly—*

(a) of relieving, whether in whole or part, a bhumidhar or sirdar from the liability for the land revenue, to be paid by him for any land comprised in his holding, or

(b) of entitling an intermediary to receive, on account of rehabilitation grant an amount higher than what he would, but for the contract or agreement, be entitled to under this Act—

shall be and is hereby declared null and void.”

44. The UPZA & LR Act was repealed and its provisions consolidated under the U.P. Revenue Code, 2006. As the proceedings have been initiated under the said Act, it is essential to note the mandates of sections 30, 31, 32, and 38 of the Code, which are relevant in the present case, as well as section 214 and the limitation prescribed in Appendix-I to the U.P. Revenue Code Rules, 2016. The said provisions and Appendix are quoted as under:

“30. Maintenance of Map and Field Book.—*(1) The Collector shall maintain, in the manner prescribed, a map and a field book (khasra) for each such village and shall cause to be recorded therein, annually, or at such longer intervals as may be prescribed, all changes in the boundaries of the village or survey numbers, and shall also cause to be corrected, any errors or omissions which are, from time to time, detected in such map or field book (khasra).*

(2) The minjumla number shall be divided physically in the manner prescribed and revenue records including map and khasra shall be corrected accordingly.

31. Record of Rights.—*(1) The Collector shall maintain, in the form and manner prescribed, a record of rights (Khatauni) for each village, which shall contain the following particulars, namely—*

(a) the names of all tenure holders together with survey numbers or plot numbers held by them and their areas;

(b) the nature or extent of the respective interests including shares of such persons and the conditions or liabilities, if any, attaching thereto;

(c) the rent or revenue, if any, payable by or to any such person;

(d) particulars of all land (other than holdings) belonging to or vested in the State Government, Central Government, Gram Panchayat or a local authority.

(e) such other particulars as may be prescribed.

(2) Shares of the co-tenureholders shall be determined in the manner prescribed.

32. Correction of records.—(1) Subject to the control of the Collector, the Sub-Divisional Officer, the Tahsildar, or the Revenue Inspector shall record, in the manner hereinafter provided in this chapter, all changes in the record of rights (Khatauni), the field book (Khasra) and the map that may take place, and all transactions that may affect any of the rights or interests recorded, and correct therein any error proved to have been made in the records previously prepared :

Provided that order for correction in map shall be passed by the Collector.

(2) No application for correction of error under sub-section (1) where the claim is based solely on possession as well as involving intricate question of title shall be maintainable.

38. Correction of error and omission.—(1) An application for correction of any error or omission in the map, field-book (Khasra) or record of rights (Khatauni) shall be made to the Tahsildar in the manner prescribed.

(2) On receiving an application under sub-section (1) or on any error or omission otherwise coming to his knowledge, the Tahsildar shall make such inquiry as may appear to him to be necessary, and refer the case along with his report to the Collector in the case of map correction and to the Sub-Divisional Officer in matter of other correction.

(3) The case shall be decided by the Collector or the Sub-Divisional Officer, as the case may be, after considering any objection filed and evidence produced before him or before the Tahsildar.

(4) Any person aggrieved by an order of the Collector or the Sub-Divisional Officer, as the case may be, under sub-section (3), may prefer an appeal to the Commissioner within a period of thirty days from the date of such order; and the decision of the Commissioner shall, subject to the provisions of Section 210, be final.

(5) Any forged or manipulated entry in the map, the khasra or the record of rights (khatauni) may be expunged under this section.

(6) Notwithstanding anything contained in other provisions of this Code, the Revenue Inspector may correct any undisputed error or omission in the record of rights (khatauni) or khasra in such manner and after making such inquiry, as may be prescribed.

Explanation.—The power to correct any error or omission under this section shall not be construed to include the power to decide a dispute involving question of title.

* * *

214. Applicability of Code of Civil Procedure, 1908 and Limitation Act, 1963.—Unless otherwise expressly provided by or under this Code, the provisions of the Code of Civil Procedure, 1908 and the Limitation Act, 1963 shall apply to every suit, application or proceedings under this Code.

* * *

APPENDIX-I
LIMITATION AND COURT FEES
[Rule 119]

Sl. No.	Section	Nature of suit, application and proceedings	Period of limitation	Proper Court Fee
1	2	3	4	5
1.	24(1)	Application for the settlement of boundary dispute	Nil	Rs.5
2.	24(4)	Appeal to Commissioner	As provided in Section 24(4)	Rs.5
3.	32	Application for correction of records.	Nil	As in Court Fees Act, 1870
4.	35(2)	Appeal to Sub-Divisional Officer	As provided in Section 35(2)	Rs.5
5.	38(1)	Application for correction of records	Nil	As in Court Fees Act, 1870
6.	38(4)	Appeal to Commissioner	As provided in Section 38(4)	Rs.5
7.	49(8)	Appeal to Record Officer	As provided in Section 49(8)	Rs.5
8.	57(2)	Application for permission to plant trees	Nil	Rs.5
9.	58(1)	Application for settlement of dispute referred to in the Section	Nil	Rs.5
10.	58(2)	Appeal to Commissioner	As provided in Section 38(2)	Rs.5
11.	66(1)	Application for cancellation of allotment	As provided in Section 66(2)	Rs.5
12.	67(5)	Appeal to Collector	As provide in Section 67(2)	Rs.5
13.	80(1)	Application for declaration	Nil	Amount mentioned as proper Court fee against serial number 14 (regarding Application for cancellation of declaration)
14.	82(1)	Application for cancellation of declaration	Nil	Rs.50
15.	82(2)(c)	Suit for ejectment by	Nil	As in Court Fees Act,

		bhumidhar		1870
16.	85(1)	Suit for ejection by Gram Panchayat	Nil	As in Court Fees Act, 1870
17.	85(2)	Suit for ejection by the land holder	Nil	As in Court Fees Act, 1870
18.	98(1)	Application for permission to transfer of land	Nil	Rs.2
19.	101(1)	Application for exchange of land	Nil	Rs.50
20.	107(2)	Application for permission to make a bequest	Nil	Rs.2
21.	115(3)	Application for restoration of land	As provide in Section 115(3)	Rs.5
22.	116	Suit for division of holding	Nil	As in Court Fees Act, 1870 payable on the plaintiff's share of land revenue
23.	122(3)	Application by person entitled to claim land	As provided in Section 122(3)	Rs.5
24.	131(1)	Suit for ejection of an asami	Nil	As in Court Fees Act, 1870 on one year's rent
25.	131(4)	Suit for arrears of rent	Three years from the date when rent became due	Rs.5
26.	133	Suit for injunction compensation or repairs	Three years from the accrual of cause of action	As in Court Fees Act, 1870
27.	134	Suit for ejection and damages	Nil	As in Court Fees Act, 1870 on annual land revenue
28.	137(1)	Suit for possession or compensation	Three years from the date of wrongful dispossession	As in Court Fees Act, 1870
29.	139(1)	Application for fixation of rent	One year from the date of termination of rights of asami	As in Court Fees Act, 1870

30.	141(1)	Application for computation of rent	-do-	-do-
31.	144	Suit for declaration by bhumidhar or assami	Nil	Rs.10
32.	145	Suit for declaration by the Gram Sabha	Nil	Rs.5
33.	151(1)	Suit for ejection and damages by Government Lessee	Nil	As in Court Fees Act, 1870

45. In the light of the statutory backdrop and the factual averments as recorded above, the first question to be decided by this Court is to determine the rights of ownership claimed by the petitioners by virtue of the registered agreement executed by the tenure holder in favour of the predecessor in interest, based upon which the entries were mutated in the year 1952. The said agreement is claimed by the petitioners to have been executed on 22.04.1952. The admitted facts of the parties are that the agreement is not on record and is not available even in the revenue records.

46. The foundation of the petitioners' argument with regard to the existence of the said agreement is the report dated 07.09.2017 wherein it was observed that the entries entered in the records increasing the size of Gata No.315 from area 2-12-5 to 23-8-5 was without mention of any orders passed by any competent Court and was in Urdu and appears to be suspect, as indicated in the report. The said report was subjected to examination and cross-examination and reliance is placed upon the statement of the Lekhpal who had stated in his cross-examination that he had given the report based upon the registered agreement dated 22.4.1952 and the connected records which were seen by him. The said document was also annexed and the agreement which was revealed to him during inquiry was translated into Hindi and was annexed along with the report.

47. Based upon the said statement, it is argued that the agreement exists and as the petitioners are the subsequent purchasers, they are not in possession of the said agreement which is in the possession of the Revenue Authorities, thus, the burden should not be shifted on the petitioners to produce the said document.

48. Shri Mukund Tiwari, learned Senior Advocate appearing on behalf of the LDA argues that even if this statement is treated to be correct, the said person was only verifying the report and was giving evidence in support of the said report and anything not supported in the report would not become evidence as is sought to be argued. It is argued that the statements were recorded only in support of the report that is given, which contains no mention of the agreement being seen or being translated, thus, no benefit flows in favor of the petitioners on that count.

49. Contention of learned counsel for the petitioners merits rejection as the agreement is said to be a registered agreement and no material exists on record to demonstrate that any effort was being made by the petitioners to obtain a copy of the agreement, either from the registrars office or from the revenue records, in respect of their contentions with regard to existence of the registered agreement, as such, this Court has no option but to record that there is no agreement in existence.

50. In the alternative, even if for the sake of arguments it is accepted that the written agreement existed and is said to have been executed on 22.04.1952, the same would be clearly barred by virtue of the statutory enactment contained in Sections 22, 23 and 24 of the UPZA and LR Act. Contention of learned counsel for the petitioners that the said Act came into effect from 1st July 1952 and the provisions of Sections 22, 23 and 24 would have no effect as the agreement was executed on 22.04.1952 further merits rejection as Section 24 provides the bar of the intermediary or a tenant for executing an agreement with effect from 1st July 1948 and not from the date of enactment of the Act.

51. It is well settled that the Acts can be enacted with retrospective effect also and there being no challenge to the provisions of Sections 22, 23 and 24, the only conclusion possible is that the restrictions placed by virtue of Sections 22, 23 and 24 on the rights of the intermediary or a tenant will trigger from 1st July 1948 and not from the date of enactment of the Act.

52. Thus, on both counts, i.e., absence of agreement as well as agreement barred by law, the claim of the petitioners on ownership of land by virtue of agreement dated 22.04.1952 cannot be accepted and is liable to be rejected.

53. With regard to the next contention in respect of the increased area in the mutation entries, no material could be placed by the petitioners as to how even in terms of the agreement dated 22.04.1952, the area of holding of property bearing Gata No.315 could be increased from 2 Bighas to approximately 23 Bighas through insertions made in the revenue records. There was no order of any Court or any material to demonstrate that any other part of the land adjacent was added resulting in increase of area.

54. The argument of counsel for the petitioners is that not only the revenue records were mutated and the names of the persons were mutated, the revenue was also increased, which clearly demonstrates that the Government was very well aware of the increase in the holdings which resulted in the consequent increase in the rent and its acceptance thereof by the State Government.

55. The said contention, even if accepted for the sake of argument, in itself would not substantiate the claim of the petitioners of ownership over the increased area without there being any material to suggest that the total area acquired by the predecessor in interest was more than 2 Bighas and odd. Thus, the said contention, based upon the increased area, would not *ipso facto* be conclusive of the ownership rights over the increased area as claimed by the petitioners. Thus, the contention on that count also deserves to be rejected.

56. The entire claim of the Petitioners on the land is based upon a mutation entry. It is well settled that mutation entries do not by themselves confer title which has to be established independently in a declaratory suit as also reiterated by Supreme Court in case of **Commissioner, Bruhath Bangalore Mahanagra Palike & Anr. v. Faraula Khan, 2021 SCC OnLine SC 3633** which in the present case has admittedly not been filed.

57. Question of limitation was seriously argued by both the sides. It is argued by Shri Vivek Raj Singh, learned Senior Advocate appearing on behalf of the petitioners that in terms of the mandate of U.P. Revenue Code, provisions of the Limitation Act have been specifically made applicable, thus, any action beyond the prescribed period of limitation would be barred by law.

58. It is argued, in alternative, that it is well settled that even if no period of limitation is prescribed, the authorities are bound to act in a reasonable time. Extensive reliance is placed upon the judgment of the Supreme Court in the case of **Joint Collector Ranga Reddy District and Anr. v. D. Narsing Rao and Ors.; (2015) 3 SCC 695**, wherein the Supreme Court was interpreting the scope of powers of revision which can be exercised and the limitation within which the same can be exercised. The Supreme Court, after analyzing the judgments recorded as under:

27. To the same effect is the decision of this Court in Ibrahimpatnam Taluk Vyavasaya Coolie Sangham v. K. Suresh Reddy [(2003) 7 SCC 667] wherein this Court held that even in cases of fraud the revisional power must be exercised within a reasonable period and that several factors need to be kept in mind while deciding whether relief should be denied only on the ground of delay. The Court said : (SCC p. 677, para 9)

“9. ... In cases of fraud, this power could be exercised within a reasonable time from the date of detection or discovery of fraud. While exercising such power, several factors need to be kept in mind such as effect on the rights of the third parties over the immovable property due to passage of considerable time, change of hands by subsequent bona fide transfers, the orders attaining finality under the provisions of other Acts (such as the Land Ceiling Act).”

28. To the same effect is the view taken by this Court in Sulochana Chandrakant Galande v. Pune Municipal Transport [(2010) 8 SCC 467 :

(2010) 3 SCC (Civ) 415] wherein this Court reiterated the legal position and held that the power to revise orders and proceedings cannot be exercised arbitrarily and interminably. This Court observed : (SCC p. 476, para 28)

“28. The legislature in its wisdom did not fix a time-limit for exercising the revisional power nor inserted the words ‘at any time’ in Section 34 of the 1976 Act. It does not mean that the legislature intended to leave the orders passed under the Act open to variation for an indefinite period inasmuch as it would have the effect of rendering title of the holders/allottee(s) permanently precarious and in a state of perpetual uncertainty. In case it is assumed that the legislature has conferred an everlasting and interminable power in point of time, the title over the declared surplus land, in the hands of the State/allottee, would forever remain virtually insecure. The Court has to construe the statutory provision in a way which makes the provisions workable, advancing the purpose and object of enactment of the statute.”

29. *In State of H.P. v. Rajkumar Brijender Singh [(2004) 10 SCC 585] this Court held that in the absence of any special circumstances a delay of 15 years in suo motu exercise of revisional power was impermissible as the delay was unduly long and unexplained. This Court observed : (SCC pp. 588-89, para 6)*

“6. We are now left with the second question which was raised by the respondents before the High Court, namely, the delayed exercise of the power under sub-section (3) of Section 20. As indicated above, the Financial Commissioner exercised the power after 15 years of the order of the Collector. It is true that sub-section (3) provides that such a power may be exercised at any time but this expression does not mean there would be no time-limit or it is in infinity. All that is meant is that such powers should be exercised within a reasonable time. No fixed period of limitation may be laid but unreasonable delay in exercise of the power would tend to undo the things which have attained finality. It depends on the facts and circumstances of each case as to what is the reasonable time within which the power of suo motu action could be exercised. For example, in this case, as the appeal had been withdrawn but the Financial Commissioner had taken up the matter in exercise of his suo motu power, it could well be open for the State to submit that the facts and circumstances were such that it would be within reasonable time but as we have already noted that the order of the Collector which has been interfered with was passed in January 1976 and the appeal preferred by the State was also withdrawn sometime in March 1976. The learned counsel for the appellant was not able to point out such other special facts and circumstances by reason of which it could be said that exercise of suo motu power after 15 years of the order interfered with was within a reasonable time. That being the position in our view, the order of the Financial Commissioner stands vitiated having been passed after a long lapse of 15 years of the order which has been interfered with. Therefore, while holding that the Financial Commissioner would have power to proceed suo motu in a suitable case even though an appeal preferred before the lower appellate authority is withdrawn, may be, by the State. Thus, the view taken by the High Court is not sustainable. But the order of the Financial Commissioner suffers from the vice of the exercise of the power after unreasonable lapse of time and such

delayed action on his part nullifies the order passed by him in exercise of power under sub-section (3) of Section 20.”

30. *We may also refer to the decision of this Court in Dehri Rohtas Light Railway Co. Ltd. v. District Board, Bhojpur [(1992) 2 SCC 598 : AIR 1993 SC 802] wherein the Court explained the legal position as under : (SCC pp. 602-03, para 13)*

“13. The rule which says that the Court may not enquire into belated and stale claim is not a rule of law but a rule of practice based on sound and proper exercise of discretion. Each case must depend upon its own facts. It will all depend on what the breach of the fundamental right and the remedy claimed are and how delay arose. The principle on which the relief to the party on the grounds of laches or delay is denied is that the rights which have accrued to others by reason of the delay in filing the petition should not be allowed to be disturbed unless there is a reasonable explanation for the delay. The real test to determine delay in such cases is that the petitioner should come to the writ court before a parallel right is created and that the lapse of time is not attributable to any laches or negligence. The test is not as to physical running of time. Where the circumstances justifying the conduct exist, the illegality which is manifest cannot be sustained on the sole ground of laches. The decision in Tilokchand case [Tilokchand Motichand v. H.B. Munshi, (1969) 1 SCC 110] relied on is distinguishable on the facts of the present case. The levy if based on the net profits of the railway undertaking was beyond the authority and the illegal nature of the same has been questioned though belatedly in the pending proceedings after the pronouncement of the High Court in the matter relating to the subsequent years. That being the case, the claim of the appellant cannot be turned down on the sole ground of delay. We are of the opinion that the High Court was wrong in dismissing the writ petition in limine and refusing to grant the relief sought for. We however agree that the suit has been rightly dismissed.”

31. *To sum up, delayed exercise of revisional jurisdiction is frowned upon because if actions or transactions were to remain forever open to challenge, it will mean avoidable and endless uncertainty in human affairs, which is not the policy of law. Because, even when there is no period of limitation prescribed for exercise of such powers, the intervening delay, may have led to creation of third-party rights, that cannot be trampled by a belated exercise of a discretionary power especially when no cogent explanation for the delay is in sight. Rule of law it is said must run closely with the rule of life. Even in cases where the orders sought to be revised are fraudulent, the exercise of power must be within a reasonable period of the discovery of fraud. Simply describing an act or transaction to be fraudulent will not extend the time for its correction to infinity; for otherwise the exercise of revisional power would itself be tantamount to a fraud upon the statute that vests such power in an authority.*

32. *In the case at hand, while the entry sought to be corrected is described as fraudulent, there is nothing in the notice impugned before the High Court as to when was the alleged fraud discovered by the State. A specific statement in that regard was essential for it was a jurisdictional fact, which ought to be clearly asserted in the notice issued to the respondents. The attempt of the appellant State to demonstrate that the notice was issued within a reasonable period of the discovery of the alleged fraud is, therefore, futile. At any rate, when the Government allowed the land in*

question for housing sites to be given to government employees in the year 1991, it must be presumed to have known about the record and the revenue entries concerning the parcel of land made in the ordinary course of official business. Inasmuch as, the notice was issued as late as on 31-12-2004, it was delayed by nearly 13 years. No explanation has been offered even for this delay assuming that the same ought to be counted only from the year 1991. Judged from any angle the notice seeking to reverse the entries made half a century ago, was clearly beyond reasonable time and was rightly quashed.

33. Having said that we must make it clear that we have not gone into the correctness of the alleged fraudulent entry nor have we expressed any opinion whether the quashing of the notice dated 21-12-2004 would prevent the State from taking such other steps as may be permissible under any provision of law. The High Court has, as a matter of fact, made it clear that the State Government shall be free to take any other steps or proceedings in accordance with law qua the land in question. That liberty should suffice for we have examined the matter only from the narrow angle whether the khasra pahani entry of 1954-1955 could be corrected at this belated stage in exercise of the revisional powers vested in the competent authority under Section 166-B of the A.P. (Telangana Area) Land Revenue Act. That question having been answered in the negative these appeals must fail and are hereby dismissed leaving the parties to bear their own costs.”

59. On the foundation of the said judgment, it was strenuously argued that even if no limitation is prescribed, the same has to be done within a reasonable time.

60. Controverting the said argument, learned counsel for the respondents argues that the said judgment would be of no avail to the petitioners as in the said judgment itself the Supreme Court had held that the time for limitation would start with effect from discovery of fraud by the State. In the present case, discovery of fraud happened in the year 2016 when the application under Section 30 of the Code was filed by the predecessor in interest of the petitioners.

61. It is further argued that the Supreme Court was called upon to examine limitation on the revisional powers and the same would not apply in cases of fraud in revenue entries for which no limitation is prescribed, as admittedly the fraud vitiates everything. Reliance is placed upon judgment in the case of ***Bachan and Anr. v. Kankar and Ors.; (1972) 2 SCC 555***, wherein the following was observed in Paras 14 and 17 :

“14. The High Court fell into the error of treating the entry as irreproachable. A fictitious entry is one which is not genuine. It is an unreal entry.

17. The rulings of this Court establish that the decision of the learned Single Judge as well as that of the Division Bench of the Allahabad High Court is erroneous. Section 20 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 speaks of a person recorded as occupant to become adhvasi of the land and will be entitled to take or retain possession as mentioned in the section. One of the principal matters mentioned in the section is that the Khasra or Khatauni of 1356 Fasli is to be prepared under Sections 28 and 33 of the U.P. Land Revenue Act, 1901. The U.P. Land Records Manual in Chapter A-V in para A-55 to A-67 lays down the manner in which the Khasra or the field book showing possession is to be prepared by the Patwari in the areas to which Zamindari Abolition and Land Reforms Act, 1950 applies. There are detailed instructions about the manner in which the enquiry should be carried out about actual possession and change in possession and corrections in the map and field book, the form in which the khasra is to be prepared. The form of khasra is given in para A-80. The form shows that the Lekhpal has to prepare a consolidated list of entries after partial or proper investigation. Again, para A-70 to A-73 to the U.P. Zamindari Abolition and Land Reforms Act show how entries have to be made in khataunis every year showing the nature of tenure of each holder. The khatauni is meant to be a record of tenure-holders. The manner of changes to be made there is laid down in para A-82 to A-83. Entries are to be checked. Extract has to be sent to the Chairman, Land Management Committee as contemplated in paragraph A-82 (iii). In this context Section 20(b)(i) of the U.P. Zamindari Abolition and Land Reforms Act which speaks of the record “as occupant” in the khasra or khatauni of 1355 Fasli refers to the khasra or khatauni being prepared in accordance with the provisions of the Land Revenue Act, 1961. Khasra is the field book provided for by Section 28 of the Land Revenue Act. Khatauni is an annual register prepared under Section 32 of the Land Revenue Act 1951. It has to be emphasised that the entry under Section 20 (b)(i) of the U.P. Zamindari Abolition and Land Reforms Act, 1950 in order to enable a person to obtain adhvasi rights must be an entry under the provisions of law.”

62. Reliance is also placed upon the coordinate bench judgment of this Court in the case of ***Bachcha Lal and Ors. v. State of U.P. and Ors.; Writ – B No.3987 of 2025*** decided on **01.04.2026**, with emphasis on paragraphs 13, 14, 15 and 19, which read as under :

“13. So far as law in regard to long standing revenue entries is concerned, Court takes note of a judgment of Supreme Court in Vishwa Vijay Bharati v. Fakhrul Hassan, 1976 (3) SCC 642 which was followed by Supreme Court in Dharam Singh (Dead) Through Legal Representatives and others vs. Prem Singh (Dead) Through Legal Representatives, (2019) 3 SCC 530 and its relevant paragraph no. 24 is quoted below :-

“24 The High Court has dealt with the above aspect of the matter and has held that continuation of entry after the order of deletion of the name of Amar Singh cannot confer any right. The judgment of this Court in Vishwa Vijay Bharati v. Fakhrul Hassan [Vishwa Vijay Bharati v. Fakhrul Hassan, (1976) 3 SCC 642] , has rightly been

referred to and relied on by the High Court. This Court in para 14 of the judgment has laid down the following: (SCC p. 645)

“14. It is true that the entries in the revenue record ought, generally, to be accepted at their face value and courts should not embark upon an appellate inquiry into their correctness. But the presumption of correctness can apply only to genuine, not forged or fraudulent, entries. The distinction may be fine but it is real. The distinction is that one cannot challenge the correctness of what the entry in the revenue record states but the entry is open to the attack that it was made fraudulently or surreptitiously. Fraud and forgery rob a document of all its legal effect and cannot found a claim to possessory title.””

14. Above referred rival submissions and concurrent findings of three Authorities under U.P.C.H. Act has to be dealt with taking note of limited jurisdiction of writ to cause interference in concurrent findings of Authorities except being perverse. In this regard, Court takes note of a judgment passed by Supreme Court in Krishnanand (D) through LRs and others Vs. Deputy Director of Consolidation reported in 2015 (1) SCC 553 and for reference, its paragraph 12 is quoted below :-

“12. The High Court has committed an error in reversing the findings of fact arrived at by the authorities below in coming to the conclusion that there was a partition. No doubt, the High Court did so in exercise of its jurisdiction under Article 226 of the Constitution. It is a settled law that such a jurisdiction cannot be exercised for reappreciating the evidence and arrival of findings of facts unless the authority which passed the impugned order does not have jurisdiction to render the finding or has acted in excess of its jurisdiction or the finding is patently perverse. In the present case, though the High Court reversed the concurrent findings of the authorities below and came to the opposite conclusion on matter of facts, the High Court did not do so on the ground that the authorities below acted in excess of their jurisdiction or without jurisdiction or that the finding is vitiated by perversity.”

15. Court takes note of above legal position that long revenue entries can be challenged if made surreptitiously though possibility of any fraud or forgery was neither pleaded nor mentioned in impugned orders. Reason for allowing objections filed by predecessors of respondents by all three Authorities that they failed to show any legal basis or order on which their names could be recorded suddenly after many years, though they claimed common ancestors as to respondents.

19. In aforesaid circumstances, concurrent finding of three Authorities under U.P.C.H Act cannot be interfered being not shown as perverse. An argument of re-settlement being vague was also rightly rejected by Settlement Officer of Consolidation and upheld by Deputy Director of Consolidation. The statement of Kishor was found insufficient to prove the case of petitioners which was rejected after much deliberations by all three Authorities under U.P.C.H. Act. Nature of entries of petitioners in 1309-F was ‘sikmi cultivator’ for fixed period, therefore, they cannot be considered as co-tenure holder. All above factor goes against the petitioners and were the basis of all three Authorities to expunge the entries.”

63. It is essential to note Section 29(2) of the Limitation Act which reads as under:

“29. Savings.— ...

(2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of Section 3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in Sections 4 to 24 (inclusive) shall apply only insofar as, and to the extent to which, they are not expressly excluded by such special or local law.”

64. On a plain reading of Section 29(2) of the Act it is clear that the Act applies except when a special or a local law prescribes a different period of limitation from the period as prescribed in the schedule to the Limitation Act.

65. In the present case, as per the submission of learned counsel for the State and LDA, a different limitation is prescribed by a statute which is clearly a special statute, thus, the limitation as prescribed in the schedule to the Limitation Act, as argued by learned counsel for the petitioners, would have no application.

66. On the basis of the judgments cited by both parties and recorded above, what can be culled down is that the U.P. Revenue Code is a special Act and in view of the provisions of Section 29(2), the limitation prescribed in the U.P. Revenue Code and the Rules (Appendix - I to the Rules), the same would prevail over the limitation prescribed under the Limitation Act.

67. Thus, once the limitation is not prescribed specifically with regard to correction of entries in exercise of power under Sections 32 and 38, the contention of learned Senior Advocate appearing for the petitioners that the exercise of powers was beyond limitation cannot be accepted and is rejected.

68. Considering the submissions made by Shri Rishabh Kapoor, learned counsel for the petitioners and recorded in Para 28 of this judgment, it is necessary to mention Section 3 of the U.P. Land Tenures (Regulation of

Transfers) (Re-enactment and validation) Act, 1972. Section 3 is quoted herein below:

“3. Lease and transactions made or registered after the appointed date to be void ab initio. - Notwithstanding anything contained in any law or contract to the contrary-

(1) a lease of land by an intermediary either granted or registered on or after appointed date shall be and is hereby declared null and void from the date of execution, and the lessee (irrespective of whether he obtained delivery of possession, before or after the appointed date, either in pursuance or in anticipation of such lease) shall for purposes of Section 180 of the U. P. Tenancy Act, 1939 (U. P. Act XVII of 1939) and Section 209 of the Abolition Act, be deemed to be a person in possession of the land otherwise than in accordance with the provisions of the law for the time being in force;

(2) a transaction between an intermediary and a tenant conferring on the tenant a right to transfer by sale his holding or any part thereof either made or entered into or registered on or after the appointed date, shall be and is hereby declared null and void from the date of execution.

Explanation. In this section, registration means registration in accordance with the law for the time being in force relating to registration of documents and includes attestation under Section 57 of the U. P. Tenancy Act, 1939 (U. P. Act XVII of 1939).”

69. In fact, on a plain reading of Section 3(2), the transaction in the present case and agreement to sale executed by the tenant, as claimed by the petitioners, itself have been declared as null and void from the date of its execution; the said mandate of Section 3 would have no avail on the rights claimed by the petitioners, as such, contention of Shri Rishabh Kapoor on that count is liable to be rejected and is rejected.

70. For all the reasons recorded above, both the petitions deserve to be dismissed and are accordingly ***dismissed***.

71. It is made clear that it will be open to the petitioners to initiate appropriate proceedings for declaration of their rights if so deemed fit and as may be advised to the petitioners.

May 26, 2026

[Pankaj Bhatia, J.]

Nishant/-