FORM NO. HCJD/C

JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD JUDICIAL DEPARTMENT

WRIT PETITION NO. 1717 OF 2006

MST. GULZAR BIBI AND 2 OTHERS

VERSUS

THE CHIEF COMMISSIONER, ICT ETC.

DATE OF HEARING 19-12-2008

Dr. G.S. Khan Advocate, for petitioner No.1. Raja Anwar-ul-Haq Advocate, for petitioner No.2.

Mr. Shamshadullah Cheema Advocate, for petitioner No.3.

Raja M. Aleem Khan Abbasi, Standing Counsel.

Raja Inam Amin Minhas Advocate for respondents No.1 to 3.

Ch. Afrasiab Khan Advocate, for respondents No.6 to 20.

Syed Abdul Aziz Shah Advocate.

Syed Wajid Ali Gillani Advocate.

Mr. Abdul Zahoor, Naib Tehsildar, Islamabad.

Mr. Zakir, Patwari, revenue estate, Jhangi

Syedan, Islamabad.

JUDGMENT

Sardar Muhammad Aslam C.J. This judgment shall dispose of both the writ petitions No.1717 of 2006 and 1762 of 2006, as both impugn the order of Chief Commissioner, Islamabad dated 21-06-2006.

2. Both the writ petitions are directed against the order of Chief Commissioner, Islamabad exercising the powers of Board of Revenue, ICT, Islamabad allowing revision of the respondents and setting aside the concurrent findings recorded by Deputy



Commissioner, Islamabad exercising the powers of Commissioner (Revenue), Islamabad as well as Assistant Commissioner/District Collector, Islamabad, directing the parties to seek remedy from the civil court.

3. The Collector, Islamabad-respondent No.3 received a complaint, through the Chief Executive Secretariat, National Accountability Bureau, Investigation Wing-CIT, Islamabad of tampering in various revenue record of Mauza Jhangi Syedan, Islamabad. After thorough examination of record and report from Tehsildar/Field Revenue Staff, found that entries against the following knewat numbers of Misal-e-Haqiat, 1955-56, of revenue estate, Mauza Jhangi Syedan, Islamabad have been tampered:-

22, 25, 32, 33, 34, 41, 44, 46, 82, 83, 84, 87, 89, 146, 147, 148, 163, 265

Comparison of old and new Khewat numbers is as under:-

Khewat number as per Misal-e- Haqiat, 1956-57	New Khewat number as per Jamabandi 1990-91
22	139, 140, 141 192, 193,
	409,410
25	144,145
44	191
46	166
82	51
84	55
87	57, 58,409,410
89	71,72
92	74,75,76
146	194,195,196,409
148	409
163	252, 253, 254
265	405

The Collector passed order dated 12-3-2001 for correction of revenue record of following Khewat numbers of Mauza Jhangi

Syedan, Islamabad as there was an injunctive order against the rest:-

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"139, 140, 141, 193, 192, 191, 166, 55, 58, 71, 72, 74, 75, 76, 194, 195, 196, 252, 253 and 254."

- 4. The order dated 12-03-2001 was assailed, by respondents No.6 to 20, in appeal before respondent No.2, who dismissed the appeal vide his order dated 07-01-2005. Revision petition No.02/2005 was filed before respondent No.1, exercising the powers of Board of Revenue, Islamabad, who accepted the same vide his order dated 21-6-2006 directing the parties to seek their remedy from the Civil Court, which has given rise to this petition.
- Petitioners learned counsel have contended that revenue 5. record was tampered with, hence rightly ordered to be corrected by the forum below through concurrent orders which have been set aside by the Chief Commissioner, Islamabad merely on the ground that the parties have a remedy in civil court; the learned Chief Commissioner has lost sight of the provision of Section 172 of Land Revenue Act, 1967, which confer exclusive jurisdiction upon the revenue courts to order correction of entries ;fraud vitiates the most solemn proceedings; concurrent findings of fact can not be set aside in exercise of its revisional jurisdiction unless the findings are based on misreading and non-reading. Reference has been made to PLD 1966 W.P. (Rev.) 80 (Fateh Muhammad versus Maula Bakhsh) PLD 1967 W.P. (Rev.) 9 (Ch. FATEH KHAN versus Mst. SHAHZAD BEGUM) PLD 1991 Lahore 314 (DILMIR and others versus MEMBER, BOARD OF REVENUE, PUNJAB,

LAHORE and 9 others) 1992 SCMR 1334 (MUHAMMAD TUFAIL versus MEMBER (COLONIES), BOARD OF REVENUE and others) 1998 CLC 1216 (IQBAL KHAN through Legal Heirs and 2 others versus MUHAMMAD ILYAS & 5 others) and a Memorandum No. 583-85 468/Lahore, Board of Revenue, Puniab, Lahore,".

On the other hand learned counsel for the respondents vehemently argued that long standing entries appearing in the settlement record can not be changed by the revenue authorities in summary manner without the order of civil court. Reference has been made to 2002 YLR 2249 [Lahore] MUHAMMAD ABDULLAH and 5 others versus SHEHZAD HUSSAIN and 8 others) 2004 YLR 2992 [Lahore] (HIMAT alias ALLAH DEYA Versus Rehmat) PLD 1994 Peshawar 249, (Mst. GULPARI alias GULBARO versus ZARIN KHAN and others) 1994 MLD 2254 [Lahore] MUHAMMAD ISHAQ Versus MEMBER (R), BOARD OF REVENUE, PUNJAB, LAHORE AND 18 others) 2006 CLC 876 [Lahore] (ANJUM MAHMOOD and 5 others versus RIZWAN AHMAD and 7 others) 1996 CLC 1690 [Board of Revenue Punjab] (Mst. SURRAYIA BANO versus Mst. NAZIA **BANO** and others); that the matter is sub-judice before the civil court involving complicated question of facts and law, hence the constitution petition is not maintainable. Reference has been made to PLD 1968 Supreme Court 185 (Chowhury TANBIR AHMAD SIDDIKY versus THE PROVINCE OF EAST PAKISTAN AND OTHERS), 2004 SCMR 604 [Supreme Court of Pakistan] (NEMAT ALI and another versus Malik HABIB ULLAH and others)

and that the report of revenue officials seeking correction in entries is ex-parte, hence of no avail.

- 7. Heard, record perused.
- 8. Before attending to the merits of the case, I deem it appropriate to go through the case law cited by both the sides to find out the ratio decidendi deducible from the above case law.

PLD 1966 W.P. (Rev.) 80:- It was held that concurrent findings of facts can not be interfered in revisional jurisdiction.

PLD 1967 W.P. (Rev.) **9**:- It was held that revenue authorities were not precluded from correcting, by way of review, wrongful entries of mutations secured through fraud or collusion of revenue subordinates.

PLD 1991, LAHORE 314:- correction of any entry in the record-of-rights, periodical record or register of mutations having been expressly barred by Section 172(2)(vi) of the Act from the jurisdiction of Civil Courts, errors in such record could be rectified by the Revenue Authorities alone.

1992 SCMR 1334:- The dispute pertained to allotment of horse-breeding grant in the Horse Breeding Scheme. The concurrent findings of the revenue officials were not interfered with holding that so far as the question of entitlement is concerned, namely, as to who is the best person entitled to the allotment of the grant, concurrent findings of facts have been recorded by the revenue officials and the same calls for no interference, there being no judicial errors in the orders.

1998 CLC 1216:- Rectification of mutation was held justified for entries based on fraud and concealment of facts. Error which had appeared due to incidental slip, could be corrected by revenue authorities at any stage and such entry could not create any right in favour of person, who is guilty of securing the same by concealment of facts.

MEMORANDUM NO. 583-85 468/LHR. Board of Revenue, Punjab, Lahore, Dated 07-05-1985:-

Restriction on variation of entries in records:-

Entries in a record of rights or in a periodical record, except entries mentioned in the periodical record by Patwaris under clause (a) of Section 43 with respect to un-disputed acquisition of interest referred to in that section, shall not be varied in subsequent records otherwise then by:-

- (a) making entries in accordance with facts proved or admitted to have occurred;
- (b) making such entries as are agreed to by all the parties interested therein or are supported by a decree or order binding on those parties; and
- (c) making new maps where it is necessary to make them.

PLD 1968 SUPREME COURT 185:- A number of petitions under the then Article-98 of the constitution of 1962 were filed questioning the notifications issued



under sub-section (2) of Section 3 of the East Bengal State Acquisition and Tenancy Act, 1950. In one of the petition at the time of hearing, it was observed by the High Court that a regular suit, filed by the appellant to establish the nature of the property, is pending in the civil court, which would be a sufficient ground for denying relief in constitutional jurisdiction.

PLD 1994 Peshawar 249: Civil Revision before the High Court arose out of a declaratory suit filed before the civil court. The controversy between the parties was as to whether the jurisdiction of civil court is barred under Section 172(2) (vi) of Land Revenue Act, 1967 and whether the suit is barred by the principle of constructive re judicata. The facts involved were as to whether the petitioner was daughter of deceased land-lord requires evidence, hence jurisdiction of civil court is not barred.

1994 MLD 2254 [Lahore]: The dispute related to a sale made through sale deed in violation of para. 25 of the Land Reforms Regulation, 1959. The M.B.R. set aside the transaction of sale. High Court, held that it was not a case of mere rectification of revenue entries. Question of title has been decided by the learned Member, Board of Revenue, who had no jurisdiction in the matter.

1996 CLC 1690 [Board of Revenue Punjab]:- The case related to a review of mutation and it was held that the transaction was made through a registered sale deed and the said document holding the field, petitioner can not be deprived of his valuable rights.

2002 YLR 2249 [Lahore] :- The controversy between the parties, in this case was as to whether Mst. Ghulam Ayesha had been appointed as guardian for the land of Wafa Abbas minor, in village Kamala or his guardianship will extend to village Jalla Makhdoom as well. In this view, it was held that this factual controversy requires evidence.

2004 SCMR 604 [Supreme Court of Pakistan1 :- The facts of the case were that an application was moved for review of mutations before additional Commissioner on which an order was passed by the Collector, directing Tehsildar for its disposal as per law. Respondents filed a suit for declaration and injunction questioning assumption of jurisdiction by the Collector. Stance taken by the plaintiff was controverted and an application for rejection of plaint under Order 7 Rule 11 CPC was moved. Plaint was rejected. Decision was affirmed in appeal. The High Court accepted the civil revision and remitted the case to the trial court. Leave was sought against the order which was refused on the ground that the rights of the parties as agitated by both

the sides are to be determined by a court which is seized of the civil suit.

2004 YLR 2992 [Lahore]:-This matter arose out of a civil suit. It was observed that civil court can not assume the function performable by revenue officials under the Land Revenue Act, 1967, but whenever a dispute with regard to title of property comes for determination the only forum for this purpose is civil court.

2006 CLC 876 [Lahore]:- It was a suit for declaration pleading that a decree was passed in favour of defendants and the same is illegal and void. The court in that context relying on the provisions of Section 12(2) CPC directed return of the plaint.

- 9. On examination of the case law, I am of the opinion that revenue courts have exclusive jurisdiction under Section 172 of the Land Revenue Act, 1967 to direct correction of an entry in the revenue record even if it is in the settlement record, old and long standing, if not supported by any decree, order or judgment of the court and varied in violation of Section 45 of revenue Act.
- 10. On access to the original record and its examination, in presence of the learned counsel for both the parties it manifests interpolation and tampering. When confronted with such interpolation of record, learned counsel for the respondents replied that evidence is required on this score. Stance of the

revenue officer is that disputed entries in the revenue record are result of interpolation, fraud and are not backed by any order of the court or revenue officer.

11. The order of Assistant Commissioner/Collector was well reasoned, which was affirmed by the Deputy Commissioner/Commissioner (Revenue). These concurrent orders were not amenable to revisional jurisdiction, in the absence of any mistake apparent on the face of record. The original record clearly indicates interpolation and its tampering. Admittedly, the beneficiary of such interpolation and tampering are the contesting respondents. Their names have been entered against certain khewats, for the first time, while shares have been increased against some of the knewat numbers without acquisition of any title document. Khewat-wise position is recorded below:-

Khew at No.	Jamabandi for the year	Khewa t	Jamabandi for the year	Khe wat	Misal-e- Hagiat	Khewat Numbers	Observation by the court
	1944-45.	No.	1952-53	Num ber	1956-57	Jamabandi 1990-91	
	NAME OF		NAME OF		NAME OF		
	OWNERS		OWNERS	1	OWNERS		
	Total 24 share	·	Total 196 share as		Total 96 share		
<u>23</u>	as under:-	23	under:-		as under:-		
			Lat Hussain Shah-	22		139	In 1952-53, figure 1 was added to make the
	Qurban Hussain Shah son of		Ibrar Hussain Shah-		Lal Hussain	140	shares 196. In 1956-57, it was recorded as
	Hayat Shah-3-		Ghulam Hussain		Shah- Ibrar		96 shares. Interpolation is clear on original
	share	j	Shah sons of Nazar Shah 33 shares		Hussain Shah- Ghulam Hussain	141	record. Change is not supported by any
	Inayat Hussain		each		Shah sons of	192	document.
	Shah- Lai Hussain Shah-	1			Nazar Shah		
	Ibrar Hussain		Ashiq Hussain Shah son of Qurban		33 shares each	193	
	Shah-Ghulam		Hussain Shah—9		Ashia Hussain	409	
	Hussain Shah sons of Nazar		share		Shah son of		
	Shah6 shares				Qurban Hussain	410	
	each		Mst. Hussain Fatima widow of Mehtab		Shah—9 share		
	Mst. Hussain		Shah—18 shares		Mst. Hussain		
	Fatima widow of Mehtab Shah—3				Fatima widow of		
	share		Karam Hussain Shah son of Fazal		Mehtab Shah— 18 shares		
			Hussain Shah 36		10 Silaies		
	Mst. Nazır Fatima widow of		shares caste Syed		Karam Hussain		
	Nazir Hussaln		Mashahadi residents.		Shah son of		
	Shah—3 share		residents.		Fazal Hussain Shah 26		
	Karam Hussain		Abdul Majeed Shah-		shares caste		1
	Fazal Hussain		Meer Alam Shah-		Syed Mashahadi		
	Shah-9 share		Abdul Hameed Shah—Abdul Aziz		residents. " B to		
	caste Syed		Shah-Mehboob				
	Mshahadi residents.		Elahi Shah-		Fazal Din son		
			"A to	ļ ,	of Sher Baz Khan-"10		
			7.0		share"-		A to A:- Change was made by introducing
	İ		Muhammad		<u>B"</u>		the names without acquisition of title
			Rafique Shah sons of Fazal Din		Actual owners-		
			Shah caste		caste Qureshi		B to B:- Names at A to A were omitted
			Oureshi Hashmi-		Hashmi resident	i	and instead B to B substituted.
			actual		of Thulla Syedan		and instant b to b substituted.
] [owners-"100 shares" residents				
	l i		of Thulla Syedan.				
			A".	9			
	; I		1		ı		1

Khew No.	at Jamabandi for the year 1944- 45	Khewa t No.	Jamabandi for the year 1952-53	Khe wat No.	Misal-e-Haqiat 156-57	Khewat Numbers Jamabandi 1990-91	Observation by
23	NAME OF OWNERS	23	NAME OF OWNERS	25	NAME OF OWNERS	144 145	
	Total 24 share as under:= Qurban Hussain Shah son of Hayat Shah-3-share Inayat Hussain Shah- Lal Hussain Shah-Ibrar Hussain Shah-Ibrar Hussain Shah-sons of Nazar Shah6 shares each Mst. Hussain Fatima widow of Mehtab Shah3 share Mst. Nazir Fatima widow of Nazir Hussain Shah-3 share Karam Hussain Shah-3 share Karam Hussain Shah-3 share Karam Hussain Shah-3 share		Total 196 share as under:: Lal Hussain Shah- Ibrar Hussain Shah- Ghulam Hussain Shah sons of Nazar Shah 33 shares each Ashiq Hussain Shah son of Qurban Hussain Shah9 share Mst. Hussain Fatima widow of Mehtab Shah18 shares Karam Hussain Shah son of Fazai Hussain Shah 36 sharesAbdul Majeed Shah- Meer Alam Shah-Abdul Hameed Shah- Abdul Aziz Shah- Mehboob Elahi Shah-Muhammad "C to Rafique Shah sons of Fazai Din Shah Caste Qureshi Hashmi- actual owners-"100 shares" "c" residents of Thulla Syedan		Total 96 share as under:: Lal Hussain Shah—11 shares Ibrar Hussain Shah — equal shares—— Haqdaran shamlat——sons of Nazar Shah—— Ashiq Hussain Shah sons of Qurban Hussain Shah—9 share—— 22 shares Mst. Hussain Fatima widow of Mehtab Shah—8 shares Karam Hussain Shah—8 shares Abdul Majeed Shah—8 shares Abdul Majeed Shah—10		C to C - Allocated 100 shares incorrectly and then changed as mentioned in D to D . Change not supported by document.

Khewat No.	Jamabandi for the year 1944- 45	Khewa t No.	Jamabandi for the year 1952-53	Khe wat No.	Misal-e-Haqiat 1956-57	Khewat Numbers Jamabandi 1990-91	Observation by court
	-	46	NAME OF OWNERS::	44	NAME OF OWNERS:-	191	
			Total 32 share as under:-		Total 64 share as under:-		
			Mst. Hussaln Fatima		Mst. Hussain		
			widow of Mehtab Shah—3 shares		Fatima widow of Mehtab Shah—6		
			Mst. Bewi Noor		shares and Haqdar Shamlat-		
			wife of Fazal Din		9 share		
		:	caste Qureshi, resident of Thulla		Mst. Bewi Noor		Correct share mentioned in Jamabandi 1952 53 as "1" was substituted as "4" without an
	-		Syedan— "1 share"		wife of Fazal Din		supporting document.
			A SHEET		share		
			Rehman Son of Mehsam Ali-		Abdul Rehman		
			Muhammad Bakhsh son of Kamal-caste		Son of Mehsam		
			Awan—6 share		Bakhsh son of		
			Karim Bakhsh son		Kamal-caste Awan—8 share		
			of Waris—4 shares		Karim Bakhsh		
			Fazal Din son		son of Waris-8		
			Sher Baz caste Qureshi resident		shares "F to		Entry of 7 share was substituted by 22 share
			of Thulla Syedan- "7 shares"-		Fazal Din son Sher Baz Khan		without any supporting document.
			" <i>E</i> "		"22 shares"-		
			Noor Ahmad -Fazal Ahmad-Meer		E <u>"</u> Noor Ahmad -		
			Dad-Karım Dad Fazal Elahi sons of		Fazal Ahmad— Meer Dad—		
			Elahi Bakhsh caste		Karam Dad		
	ļ.		Awan- 7 equal shares-Muhammad		Fazal Elahi sons of Elahi Bakhsh		
			Aameen son of Hayat Bakhsh- 4		caste Awan- residents of		
			share caste Aawan resident of Chehllo.		Chehllo share		
					shares-		
					Muhammad Aameen son of		
					Hayat Bakhsh- 6 shares-owners in		
					possession—Lal Hussain Shah		
					etc. Haqdaran		
					Shamlat.		

Khewat No.	Jamabandi for the year 1944-45.	Khewat No.	Jamabandi for the year 1952-53	Khewat Number	Misal-e- Haqiat 1956-57	Khewat Numbers Jamabandi	Observation by court
	Name of owners	50	Name of owners	46	Name of owners	166	
			Total 200				
	-		Total 288 share		Iotal 288 share as under		
			Lai Hussain		Mst. Hussain		
			Shah- Ibrar		Fatıma widow		
			Hussain Shah-		of Mehtab		
			Ghulam		Shah-54 share		
			Hussain Shah		Ashiq Hussain		
			sons of Nazar		Shah son of	II	
-			Shah -share equal to 27		Qurban		
			share		Hussain Shah 27 share		
			Ashiq Hussain		27 Silale		
			Shah son of		Karam Hussain		
			Qurban		Shah son of		
			Hussain Shah-		Fazal Hussain		
			27 share		Shah-26 share		
			Hussain				
			Fatima widow		Ghulam		
			Mehtab Shah		Sarwar son of		
			54 share		Jalal Din caste		
			Karam Hussain		Qureshi-24		
i			Shah son of		share		İ
			Fazal Hussain				
ĺ			Shah-66 share				
			Mst. Badral Bi		Chan Shah son		
			wife of Niaz		of Ameer Haider Shah		
			Hussaln Shah-		(30) share		
			24 share		Safdar son of		
			Chanan Shah		Mehr Bakhsh-		
			son of Ameer		6 share		Figure 54 share in " G to G" in Jamabandi f
			Haider Shah-		<u>"H tO</u>		the year 1952-53 substituted with figure 9
			30 share		<u>Fazal Din son</u>		share, in 1956-57;" H to H".
					of Sher		
			Safdar son of		<u>Baz"94</u>		
			Peer Bakhsh		share"		
			2/3 share -		_ <i>H</i>		
			Fazal Noor		Rakhmat		
			widow of Meh		Hussain Shah		
			1/3 share " <i>G to</i>		son of		
			Fazal Din son		Muhammad Shah-27 share		
			of Sher Baz		Lal Hussain		
			Khan <u>**54</u> share <i>"</i>		Shah -Ibrar		
			<u>" G"</u>		Hussain Shah-		
			Caste Qureshi residents of		Ghulam		
			thulla Syedan		Hussain Shah		
			owners in possession		sons of Nazar		
			p-9-9-9-9-9-9-9-9-9-9-9-9-9-9-9-9-9-9-9		Shah-99		
					share, caste		
				į	Syed Mashhadi		
					residents.		
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l	1	ļ		l	1		

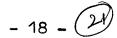
-	-	85	Ghulam Shabir	82	Irshad Hussain	51	
			Shah son of		shah son of All		
			Fazal Shah		Haiderf Shah		
			owner in		1/3 share		
			possession-		Safdar Hussain		
			1/3 share		Shah-Zafar Ali		
			2,5 5		Shah -share	1	
			Abdul Latif son		equal to 14		
			of Ismail caste		share	i	{vide "mutation No. 1967 "land was purchased
			Qureshi		Mst. Ghulam		from the column of cultivation but implemented in
			Chehello 1/3		Janat -Mst.		
			share		Zainab Fatima		the column of ownership
					-daughters -7		
			Safdar Hussain		share		
		1	Shah-Zafar Ali		Ali Akbar Shah		
			'				
			Shah sons -14		son of Ahmad		
]	share		Ali Shah -1/6		
		[Mst. Ghulam		share		
]	Janat -Zenab		Abdul		
			Fatima daughters-		<u>Hameed</u>		
	1		share equal to		Shah son of		
			7 share-Mst.	1	Fazal Din		
			Kaneez Fatima		Shah-1/3		
			-3 share				
			widow Qaim Shah 1/6		share		
			Shah 1/6 share		<u>Caste</u>		
			All Akbar Shah		Qureshi		
			son of Ahmad		Hashmi		
			Ali Shah 1/6		residents		
			share caste		Thulla		
			Syed Mashhadi residents.		syedan		
			residents.		2,000		
	 	90	Mst. Sahib	84	Abdul	55	
-	-	90	Nishan widow	0 -	Majeed Shah		
			of Ahmad		etc sons		
			Shah 2/3		<u>Fazal Din</u> <u>Shah -half</u>		
					Mst. Sahib		
	Ì		share Safdar		Nishan wife of		
			Hussain Shah-		Ahmad Shah		
			Zafar Ali Shah		2/3 share -		Abdul Majeed Shah etc. sons of Fazal Din Shah
			sons -share		Safdar Hussain Shah-Zafar Ali		
	1		equal to 14		Shah sons -		are not owners in Jamabandi for the year 1952-53
			share		share equal to		but have become owners in Jamabandi for the yea
			Mst. Ghulam		14 share- Mst.		
	1		Janat -Zainab		Ghulam Janat		1956-57 without any mutation.
				[-Zainab		
			Fatima		Fatima daughters-		
			daughters -		share equal to		
			share equal to		7 share		
1	1		7-share-Mst.		Mst. Kaneez		
	i .	1	Venera Estima		Fatima- share		
			Kaneez Fatima			1	Ì
			widow of Qaim		share widow of		
			wldow of Qaim	1	Qaim Ali Shah-	:	
			widow of Qaim Ali Shah -1/6	1	1	:	
			widow of Qaim Ali Shah -1/6 share		Qaim All Shah- 1/6 share -Ali Akbar Shah son of Ahmad		
			widow of Qaim Ali Shah -1/6 share Ali Akbar son		Qaim All Shah- 1/6 share -Ali Akbar Shah son of Ahmad Ali Shah-1/8		
			widow of Qaim Ali Shah -1/6 share		Qaim All Shah- 1/6 share -Ali Akbar Shah son of Ahmad Ali Shah-1/8 share caste		
			widow of Qaim Ali Shah -1/6 share Ali Akbar son		Qaim All Shah- 1/6 share -Ali Akbar Shah son of Ahmad Ali Shah-1/8 share caste Syed Mashhadi		
			widow of Qaim Ali Shah -1/6 share Ali Akbar son of Ahmad Ali		Qaim All Shah- 1/6 share -Ali Akbar Shah son of Ahmad Ali Shah-1/8 share caste Syed Mashhadi ½ share		
			widow of Qaim Ali Shah -1/6 share Ali Akbar son of Ahmad Ali Shah-1/6		Qaim All Shah- 1/6 share -Ali Akbar Shah son of Ahmad Ali Shah-1/8 share caste Syed Mashhadi		
			widow of Qaim Ali Shah -1/6 share Ali Akbar son of Ahmad Ali Shah-1/6 share caste Syed Mashhadi		Qaim All Shah- 1/6 share -Ali Akbar Shah son of Ahmad Ali Shah-1/8 share caste Syed Mashhadi ½ share		
			widow of Qaim Ali Shah -1/6 share Ali Akbar son of Ahmad Ali Shah-1/6 share caste		Qaim All Shah- 1/6 share -Ali Akbar Shah son of Ahmad Ali Shah-1/8 share caste Syed Mashhadi ½ share		
			widow of Qaim Ali Shah -1/6 share Ali Akbar son of Ahmad Ali Shah-1/6 share caste Syed Mashhadi		Qaim All Shah- 1/6 share -Ali Akbar Shah son of Ahmad Ali Shah-1/8 share caste Syed Mashhadi ½ share		

5/1	Total 06	91	Total 09 share	87	Total 07 share		Both entries 9 share and 7 share in 1952-5
, <u>.</u>	share as	<i>7</i> 1	as under	3,	as under:-		Francisco y mais and y mais in 1992 of
	under						and 1956-57 respectively were recorde
							incorrectly.
							incorrectly.
	Fazal Hussain		Fazal Shah son		Fazal Shah son	57	
	son of Ameer Haider Shah-		of Ameer		of Ameer		
	2 share		Haider Shah-2		Haider Shah-2	58	
	!		share		share		
			Ali Haider		Ali Halder	409	
	Alı Haider Shah son of		Shah son of		Shah son of		
	Zaman Shah-		Zaman Shah-		Zaman Shah -	410	
	3share		3-share	:	3 share-	0	
	Original		original		original		
	owners-		owners		owners		
	Irshad		Irshad		Irshad Hussain		
	Hussain Shah		Hussain Shah		son of Ali		
	son of Ali				Haider Shah-		
	Haider Shah- 01 share		son of Ali		ı		
	caste Syed		Haider Shah -		01 share		
	Mashhadi		01 share				
	residents.	[
]		Abdul Majeed				
	}		Shah -Meer				
			Alam Shah-	ļ	Fazal Din son		
			Abdul Hameed Shah-Abdul		of Sher Baz	į	
			Aziz Shah-		caste		
			Mehboob Elahi		Qureshi		
			Shah-		<u>Hashmi</u>		
					residents of		
			Muhammad		Thullah		
			Rafique Shah	i	Syedan-01		
			sons <u>Fazal</u>	1	share		
			Din shah caste				
			Qureshi-3-				
			share				
			residents of Thullah				
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	under		Ibrar Hussain Shah-		Nazar Shah11 share— Ashig Hussain Shah son of		
	Qurban Hussain Shah		ghulam Hussain Shah		Qurban Hussain Shah—9 share	196	
	son of Hayat Shah -3		sons of Nazar Shah 33 share- Ashiq		Mst. Hussain Fatiima widow	409	
	share		Hussain Shah son of		of Mehtab Shah -18 share Karam Hussain Shah son of	409	
	Inayat Hussain- Lal		Qurban Hussain		Fazal Hussain Shah -36 share caste Syed Mashhadi		
	Hussain Shah—Ibrar		Shah—9 shareMst. Hussain Fatıma wıdow		residents		
	Hussain Shah—		of Mehtab Shah18		Abdul Majeed Shah—Meer Alam Shah- Abdul Hameed		
	Ghulam Hussain Shah		share		Shah—Abdul Aziz Shah— Mehboob elahi Shah—		Figure of 196 share
]	sons of Nazar Shah-6		Karam Hussain Shah son of Fazal Hussain		Muhammad Rafigue Shah "sons of Fazal Din -22		interpolated and entries made thereafter are
	share- Mst. Hussain		Shah -36 share caste Syed Mashhadi.		share" actual owners 11 share owners in possession		made thereafter are incorrect and not
	Fatima widow of Mehtab		Abdul Majeed Shah—		11 share caste Qureshi residents of Thullah Syedan.		supported by evidence.
	Shah -3 share		Meer Alam Shah—				
	Mst. Nazir		Abdul Hameed Shah				
	Fatima widow of Nazır		Abdul Aziz Shah Mehboob Elahi Shah	i			
	Hussain Shah—3		Muhammad Rafique				
	share Karam		Shah sons of Fazal Din Shah caste				
	Hussain Shah son of Fazal Hussain Shah		<u>Din Shah caste</u> Qureshi Hashmi.				
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	Mashhadi residents.		"100 share" Residents of Thulla				
	residents.		Syedan				
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	-	34	NAME OF OWNERS	148	NAME OF OWNERS	409	
-	-	34	NAME OF OWNERS Total 128 share	148	NAME OF OWNERS Total 192 share as under	409	
-	-	34	Total 128 share	148	Total 192 share as under	409	
-	-	34	Total 128 share Lal Hussain shah—	148	Total 192 share as under Lal Hussain Shah son of	409	
-	-	34	Total 128 share Lal Hussain shah— Ibrar Hussain Shah	148	Total 192 share as under Lal Hussain Shah son of Nazar Shah –19 share-	409	
-		34	Total 128 share Lal Hussain shah— Ibrar Hussain Shah Ghulam Hussain Shah	148	Total 192 share as under Lal Hussain Shah son of	409	
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						·	
-	-	149	Mst. Karam Begum widow of Madad Shah	163	Total 192 share as under	252	
			fourth		Amanat Hussaın Shah-	253	
			Sultan Akbar shah- Ali		Ghulam Abbas Shah sons of Mst. Channan Bibl -share		
			Asghar Shah sons of		holder shamlat rights -30	254	
			Syed Shah -share		share		
			fourth		Culton Alchon abob 34 about		
			Hussain Shah son of		Sultan Akbar shah-24 share		
			Karam Shah—Mst.		Ali Asghar Shah 21 share		
			Mehr Fatima widow of		owner in possession 3-share		
			Ali Haider Shah-Mst. Mehr Nishan widow of		sons Sald Shah-Hussain Shah son of Karam Shah		
			Nawab Shah share		real owner-34 share owner		
			equal to fourth		in possession 12 share		
					Mst. Mehr Nazima widfow of		
			Mst. Fazal Nishan		Alı Haider Shah -Mst. Mehr		!
		i	widow Mehr Shah -		Nishan widow of Nawab		
			eighth		Shah- sharer equal to 20 share		
					Silare		
			Ghulam Hussain		Fazal Jan widow Mehr Shah		
			Shah—Iqbal Hussain		(24 share) Ghulam Hussain		
			Shah-sons Ameer		Shah-Iqbal Hussaln Shah		
			Ahmad Shah -share elght caste Syed		sons Ameer Ahmad Shah share equal 24 share caste	i I	
			Mashhadi residents.		Syed Mashhadi residents.		
					Wahdul Malaad Chah		
					"Abdul Majeed Shah- Abdul Hameed Shah-Mehr		Entered course without
					Alam Shah-Abdul Aziz		Entered owner without document.
					Shah-Mehboob Elahi		
	•				Shah-Muhammad Rafique Shah sons Fazal Din caste		
					Qureshi residents Thulla		
					Syedan owners in		
					possession 15 share original owners-15		
					share"		
222	Shamlat Deh	229	Shamlat deh according	265	Shamlat Deh according to	405	-
	according to		to share of ownership		share of ownership 2/3 share		
] :	ownership		2/3 rd Meer Alam		Share		Entries in Jamabandi 1952-53 and 1956-57
			Shah- Abdul		Abdul Majeed Shah, Meer		were made incorrectly.
			<u>Hameed</u> Shah-		Alam Shah- Abdul		They were not owners in shamlat Deh.
			Abdul Aziz Shah-		Hameed Shah-Abdul Aziz		
			<u>Mehboob</u> Elahi		<u>Shah-Mehboob Elahi</u>		
			Shah-Muhammad		Shah-Muhammd Rafique		
			Rafique Shah- Abdul		Shah sons Fazal Din 1/3		
			Hameed Shah- sons		share		
			Fazal Din Shah case				
			Qureshi Hashmi residents 1/3 share				
			Pasinchies TV = Sildig				

12. Interpolation and tempering of revenue record is floating as mentioned in para-11. No judgment, order or proof regarding acquisition of ownership is available with the respondents in support of entries made in their favour. Driving the parties to civil litigation, which is spread over decades, will not be in the

interest of justice in a case of such a nature not involving any complicated question of fact calling for evidence. Jurisdiction vested in revenue hierarchy, if not exercised, then provisions of land revenue Act are to become redundant.

- 13. Considered from all aspects, the entries made in the revenue record in clear disregard to provisions of Section 45 Land Revenue Act, 1967, by practicing fraud can not be given blessing. Such entries are required to be corrected as and when brought to the notice of revenue officers. The Chief Commissioner has closed his eyes to the factual position and went for technical knock out. Revisional jurisdiction exercised by him was arbitrary and thus his order is not sustainable.
- 14. For what has been discussed above, constitution petitions No.1717 of 2006 and 1762 of 2006 are allowed, impugned order of Chief Commissioner dated 21-06-2006 is set aside, and, in consequence thereof, Revision petition will be deemed to have been dismissed and orders passed by District Collector and Commissioner are restored.

CHIEF JUSTICE

M. Abid Khan

Announced in open court on 26. \.2009

CHIEF JUSTICE

Blue slip form added

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