IN THE FEDERAL CONSTITUTIONAL COURT OF PAKISTAN
(Appellate Jurisdiction)

Present
Justice Syed Hasan Azhar Rizvi
Justice Muhammad Karim Khan Agha

F.C.P.L.A. No. 137/2025
(against the order dated 06.10.2025, passed by the Lahore High Court, Multan Bench, Multan in W.P. No. 17128/2022)

Faiz Ullah Khan & others .....*Petitioner(s)*

Versus

Member Board of Revenue Punjab, Lahore & others .....*Respondent(s)*

For the Petitioner(s) : Ch. Muhammad Masood Jahangir, ASC

For the Respondent(s) : Mr. Waseem Mumtaz Malik, Addl. AG

Date of Hearing : 28.01.2026

O R D E R

Syed Hasan Azhar Rizvi, J.- The petitioners have filed the present petition under Article 175F(1)(c) (though inadvertently mentioned as 185(3)) of the Constitution of the Islamic Republic of Pakistan, 1973 ('**the Constitution**'), to impugn the legality of the judgment dated 06.10.2025 passed by the Lahore High Court, Lahore ('**the High Court**'), whereby a writ petition filed by the petitioners under Article 199 of the Constitution, challenging the order of the Member (Judicial), Board of Revenue ('**M.B.R.**'), Punjab was dismissed. By the said order, the M.B.R., while accepting the revision petition filed by respondents Nos. 4 and 5 (hereinafter referred to as '**the private respondents**'), set aside the order passed by the Additional Commissioner and restored the order of the Additional Deputy Commissioner (Revenue), whereby the application filed by the present petitioners for implementation of mutations in favour of their predecessors-in-interest was dismissed.

2. At the outset, and before addressing the substantive legal issues, it is necessary to recapitulate the essential facts that constitute the backdrop of the present petition. Per record, it is the stance of the petitioners that their predecessor-in-interest, as well as that of the proforma respondents Nos. 7 to 14, namely Bakhtan, Ahmad Khan, and Siddique Khan, were owners of the disputed land on the basis of

Mutation No. 117 dated 29.12.1907 and Mutations Nos. 401 and 402 dated 30.01.1913 (**'the disputed mutations'**). The disputed mutations were duly sanctioned by the Revenue Officer in the discharge of his official duties on the basis of a decree validly passed by the then competent civil court. Although the disputed mutations could not be implemented, they were attested long ago and have remained intact. The disputed mutations were never challenged or questioned by any person so far. Thus, for the implementation of the disputed mutations, the petitioners, on 29.09.2020, filed an application before the Additional Deputy Commissioner (Revenue), Layyah (**'the A.D.C.R.'**). However, the said application was dismissed by him vide order dated 18.12.2021. Being dissatisfied, the petitioners preferred an appeal before the concerned Additional Commissioner (**'appellate authority'**), which was accepted vide order dated 30.04.2022, whereby the order passed by the A.D.C.R. was set aside with direction to implement the disputed mutations in favour of the present petitioners. Thereafter, the private respondents, being aggrieved, challenged the said order by filing a revision petition before the M.B.R., Punjab, which was allowed vide order dated 24.08.2022. Consequently, the order of the Additional Commissioner was set aside, and that of the A.D.C.R. dismissing the applications of the present petitioners was restored. The present petitioners, therefore, approached the High Court by filing a constitutional petition under Article 199 of the Constitution; however, they did not succeed, as the same was dismissed vide the impugned order. Hence, the present petition.

3. Ch. Muhammad Masood Jahanghir, ASC, learned counsel for the petitioners, contended that there is no cavil that a statutory duty is imposed upon the Revenue Officers and the revenue field staff to ensure that the revenue record is properly maintained and kept up-to-date. It is for this reason that they have been vested with ample jurisdiction and authority to take appropriate steps for the correction of revenue entries. Being so, any omission or slackness on their part could not be made a basis to subject the petitioners to hardship or agony. However, the concerned revenue officers, as well as the High Court, while passing their respective orders, failed to appreciate and comprehend the above legal obligation. Moreover, it is a matter of record that the Revenue Officer and the revenue field staff, through their respective reports, explicitly conceded that the disputed mutations still hold the field and have not, thus far, been given effect in the Record-of-Rights. In the light

of these reports, there was no impediment to passing an order for the correction of the record through implementation of the disputed mutations. The learned counsel further added that a rightful owner cannot be deprived of his property through maneuvering or manipulating incorrect revenue entries. If such a practice is permitted, the property of no one would remain secure. The revenue entries, which neither create rights nor confer title and do not even carry a presumption of correctness, cannot be protected or shielded by the bar of limitation if they are found to be the result of misrepresentation. According to section 166 of the Punjab Land Revenue Act, 1967 ('**the Act**'), mistakes or errors appearing in the revenue record may, at any time, be corrected by the revenue authorities. The jurisdiction of the civil court under section 172(2)(vi) of the Act, in matters pertaining to the correction of an entry in the record-of-rights, periodical record, or register of mutations, is expressly barred. The appellate authority has rightly passed the order in their favour with the direction to implement the disputed mutations; therefore, the same may kindly be restored.

4. We have heard the submissions of the learned Counsel for the petitioners, the learned Addl. A.G. and perused the material on record with their assistance. The case set up by the petitioners is that their *predecessor-in-interest*, as well as that of the *proforma* respondents, derived ownership of certain land on the basis of the disputed mutations, which were sanctioned pursuant to a decree passed by a competent civil court. It stands admitted on the record that the disputed mutations were sanctioned more than a century ago, inasmuch as Mutation No. 117 was sanctioned in the year 1907, whereas Mutations Nos. 401 and 402 were sanctioned in the year 1913. The pivotal question that thus arises is whether the alleged non-implementation of the disputed mutations in the revenue record can be treated as a clerical or arithmetical mistake, capable of correction by the revenue authorities in the exercise of powers conferred on them under section 166 of the Act, particularly when the petitioners approached the revenue officer for the first time in the year 2020. In this extraordinarily long interregnum, it is neither safe nor reasonable to presume that the revenue record remained static. On the contrary, it is highly probable that numerous transactions relating to the alienation of land from the same *Khewat* may have taken place, and that several third parties may have acquired proprietary or possessory rights therein on the basis of the existing revenue entries. Such persons, who are not parties to the present proceedings and may have had no

knowledge of the alleged non-implementation of the disputed mutations, would be seriously prejudiced by any adverse order passed behind their backs. Therefore, the alleged non-implementation of the disputed mutations cannot, in any manner, be regarded as a clerical or arithmetical mistake which could be corrected by the revenue authorities.

5. When confronted with this position, learned counsel for the petitioners contended that if the revenue authorities are not competent to correct the alleged mistake, then the jurisdiction of the civil court is also barred under clause (vi) of section 172 of the Act in matters pertaining to the correction of an entry in the record-of-rights, periodical record, or register of mutations. Consequently, according to the petitioners, they would be left without any remedy, which could not have been the intention of the law. We have anxiously considered this contention, along with the relevant provisions of the Act, and are of the view that the law must have envisaged and provided an appropriate remedy even in such a situation. It is thus found that sections 42, 44, and 52 of the Act collectively regulate the preparation, evidentiary value, and correction of revenue records. Section 42 provides for the preparation and maintenance of the Record-of-Rights for each estate, detailing the names of landowners, tenants, and other right-holders, along with the nature and extent of their respective interests and the liabilities attached to the land. Section 44 deals with the determination of disputes arising during the preparation, revision, or making of the Record-of-Rights, or in the course of any inquiry under Chapter VI of the Act relating to the Record-of-Rights and periodical records. Once such an inquiry is completed and the entries are recorded in the revenue record, a presumption of truth attaches thereto under section 52 of the Act, which continues until the contrary is proved or new entries are lawfully substituted. To dislodge this presumption, a remedy is provided under section 53 of the Act, which enables an aggrieved person to institute a suit for declaration of his rights under section 42 of the Specific Relief Act, 1877, if he considers himself prejudiced by any entry in the Record of Rights or in a periodical record relating to a right of which he is in possession. The above legal position has already been affirmed by the Supreme Court of Pakistan in *Muhammad Yousaf v. Khan Bahadur through Legal Heirs* (**1992 SCMR 2334**).

6. The question of the jurisdiction of the civil court in revenue matters, particularly with reference to the bar contained in clause (vi) of

section 172 of the Act, as strongly agitated by the petitioners, has come up for consideration before the Supreme Court of Pakistan in numerous cases. Notably, the reference may be made to the case of *Dildar Ahmad and others v. Member (Judicial-III), Board of Revenue, Punjab, Lahore and another* (**2013 SCMR 906**). In that case, a controversy arose when a substantial share of land measuring 72 kanals and 14 marlas, belonging to a co-owner (a respondent before the Supreme Court), was reduced from his total landholding as a result of consolidation proceedings carried out by the revenue authorities. The matter was taken up *suo motu* by the Board of Revenue and was ultimately resolved in favour of the said co-owner by correcting his share in the revenue record. The other co-owner (the appellant before the Supreme Court) challenged this subsequent correction, *inter alia*, on the ground that after the conclusion of the consolidation proceedings, the consolidation authorities had become *functus officio* and, therefore, the matter could not be reopened. However, he failed at all forums, from the Board of Revenue up to the Supreme Court of Pakistan. Finally, the Supreme Court, while dismissing his appeal, observed as under:

> *7.(sic.) Regarding learned ASC's argument that a 17 year old case could not be reopened in the revenue side for the purpose of correction in the record for which only the Civil Courts have jurisdiction, we may observe that per section 172(2)(vi) of the Act 1967, only the revenue authorities are entitled to correct any entry in a record of rights, periodical entry or register of mutation to the exclusion of the Civil Courts, **of course which are not controversial in nature**. In the present matter, it was found that as a result of consolidation proceedings, respondent No.2's land was reduced due to an error which was corrected and despite numerous opportunities the appellant could not justify his claim to further land than that which fell to his share. In our opinion there was hardly any controversy involved in this exercise…'*
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> **Emphasis supplied.**

7. The afore-noted facts and circumstances of the present case lead us to hold that the controversy at hand is undoubtedly contentious in nature. Any correction at this belated stage, without impleading the other affected persons or affording them a fair opportunity of hearing, would not only violate the principles of natural justice but would also result in a grave miscarriage of justice. Moreover, a defect or omission persisting for more than a hundred years, and affecting the substantive rights of multiple parties, cannot, by any stretch of imagination, be characterized as a mere clerical or arithmetical mistake, particularly when the petitioners have failed to place on record any evidence

explaining the inability of their predecessors to approach the relevant forum during their lifetime, as well as their prolonged silence until the year 2020. On this aspect of the matter, the High Court has rightly observed that the principles of laches and acquiescence would apply with full force in these cases, and the claim of the petitioners is plagued by inordinate and unexplained delay. Even otherwise, the discretion vested in the revenue authorities under section 166 of the Act, to correct mistakes or errors in the revenue record, is not unbridled. It is circumscribed by the requirement that the correction sought must be free from factual controversy and must not adversely affect vested rights without due adjudication. The mere existence of old, unimplemented mutations, even if attested, does not automatically entitle a party to their implementation, particularly when competing claims and long-standing revenue entries exist.

8. Moreover, it is well settled that, although revenue entries do not, by themselves, confer title, they carry a presumption of correctness until rebutted in accordance with law. Where the correctness, validity, or enforceability of old mutations is disputed, particularly when such mutations have remained unimplemented for decades, the matter inevitably involves disputed questions of fact and/or title requiring proper adjudication and cannot be determined by the revenue authorities. At the same time, the extraordinary constitutional jurisdiction under Article 199 of the Constitution is intended to provide a prompt and efficacious remedy in cases where the illegality or impropriety of an impugned action is apparent on the face of the record and can be determined without undertaking an elaborate inquiry or recording evidence. However, where the controversy involves intricate, disputed, or contentious questions of fact, the resolution of which necessitates the recording and appraisal of evidence by the parties, such matters fall within the domain of courts of plenary jurisdiction, and the High Court, in the exercise of its constitutional jurisdiction, cannot assume the role of a fact-finding forum or enter into such factual controversies. This legal position is so well settled in our jurisprudence that it scarcely requires reiteration; however, reference may be made to the judgment of the Supreme Court reported as *Nazir Ahmad and another v. Maula Bakhsh* (**1987 SCMR 61**), *Fida Hussain and another v. Mst. Saiqa* (**2011 SCMR 1990**) and *Waqar Ahmed and others v. the Federation of Pakistan* (**2024 SCMR 1877**). Therefore, the High Court, while dismissing the constitutional petition, has rightly observed that a

revenue officer is not competent to decide the question of title and the civil court alone is competent to decide it. Similarly, the findings recorded by the M.B.R., Punjab, and the A.D.C.R, Layyah are also based on a plausible appreciation of the record and do not suffer from any legal infirmity.

9. In view of the above, we are of the considered opinion that no arguable point, much less one requiring further examination by this Court, has been made out. The petition is, therefore, devoid of merit. Accordingly, the petition is dismissed and the leave is refused.

10. Above are the reasons for our short order of even date.

Judge

Judge

Islamabad, the
28th January, 2026
APPROVED FOR REPORTING
*Ghulam Raza/**