

(2025) 12 SC CK 0025

Supreme Court

Case No: Civil Appeal No. 14661 Of 2025 (Arising Out Of Special Leave Petition (Civil)
No.1681 Of 2024)

Suvej Singh

APPELLANT

Vs

Ram Naresh And Ors

RESPONDENT

Date of Decision: Dec. 9, 2025

Acts Referred:

- Uttar Pradesh Revenue Code, 2006- Section 30, 38
- Uttar Pradesh Land Revenue Act, 1901 Section 28

Hon'ble Judges: Rajesh Bindal, J; Manmohan, J

Bench: Division Bench

Advocate: Surendra Kumar, Shrey Kapoor, Tarun Khanna, S. R. Singh, Sushant Kumar Yadav, Prateek Yadav, Mangal Prasad, Sunita Pandit, Prithvi Yadav, Gaurav Lomes, Anurag Singh, Radha Rajput, Ankur Yadav

Final Decision: Allowed

Judgement

Rajesh Bindal, J

1. Leave granted.

2. The present appeal has been filed by the appellant aggrieved against the impugned order 'Writ C No.28878 of 2023' dated 21.09.2023 passed by the High Court 'High Court of Judicature at Allahabad'. The challenge before the High Court was to the order dated 25.04.2023 passed by the respondent No.5 'Additional Commissioner (Administration), Bareilly Division, Pilibhit' and the order dated 15.01.2020 passed by respondent No.4 'Additional Collector (Judicial), Bareilly Division, Pilibhit'. Vide impugned order, the High Court while setting aside the aforesaid orders had remanded the case to the respondent No.4 for consideration afresh after giving due opportunity of hearing to the concerned parties.

3. Briefly, the facts of the case, as available on record, are that an application was filed by the private respondents before the Collector seeking correction of map for Plot No.22. The same was dismissed vide order dated 27.05.1998. It was on the basis of a Commission's Report available in the file showing that the appellant was in possession of Plot No.22 just above Plot No.23. The appellant was in possession of Plot Nos.22/1 and 22/2 whereas the private respondents were in possession of Plot No.22/3.

3. 1 The aforesaid order was challenged by the private respondents by filing an appeal before the Additional Commissioner. The same was dismissed vide order dated 04.09.2001.

4. About 17 years thereafter, the private respondents filed a fresh application under Section 30/38 of the Uttar Pradesh Revenue Code, 2006 "the Code". The prayer was for correction of the revenue map. The aforesaid application was dismissed by the respondent No.4 vide order dated 15.01.2020 while taking into consideration the fact that an earlier effort made by the private respondents for the same relief had been negated. The aforesaid order was challenged by the private respondents before the respondent No.5, who vide order dated 25.04.2023 upheld the order passed by the respondent No.4 as there was no good reason to reopen the issue settled long back. Against the aforesaid orders passed by the respondent Nos.4 and 5, the private respondents filed writ petition before the High Court. The impugned order has been passed in the aforesaid writ petition. The High Court set aside the orders passed by respondent Nos. 4 and 5 and remanded the matter to the respondent No.4 herein for consideration afresh after affording due opportunity of hearing to all concerned.

5. Learned counsel for the appellant submitted that no doubt vide impugned order, the matter has been remanded for consideration afresh and even thereafter, in case the appellant is aggrieved, he can avail of his remedies but still, in the case in hand, interference by this Court is required to stop multiplicity of litigation. It is a case in which possession of the parties was determined after consolidation. The revenue map was approved. Initially, the private respondents sought to raise an issue for correction of revenue map. The application was dismissed on 27.05.1998. The order was upheld by respondent no.5 on 04.09.2001. No issue was raised by private respondents any further. The order dated 04.09.2021 attained finality.

5.1 About 17 years later, after 'the Code' came into force, the private respondents again filed an application under Section 30/38 of the Code for correction of the map. The same was rightly dismissed by the respondent No.4. The order was upheld by the respondent No.5 in appeal. However, the High Court, on wrong interpretation of the provisions of the Code, had set aside the orders passed by the authorities below and remanded the matter. In fact, the jurisdiction under Section 30 of the Code could not be invoked as correction was possible only if there were any errors or omissions. That is not the case here. The private respondents sought to raise the same issue, which had earlier attained finality. It is their greediness to have opening of their plot on a wider road. The impugned order passed by the High Court deserves to be set aside.

6. On the other hand, learned counsel for the private respondents submitted that against an order remanding the case for fresh consideration, this Court generally does not interfere. In support, reference was made to a judgment of this Court in *Satyadhyan Ghosal and Others v. Deorajin Debi (Smt) and Another* AIR 1960 SC 941. He further submitted that the High Court has rightly exercised the jurisdiction in setting aside the orders passed by the authorities below. Section 30 of the Code clearly provides that the Collector shall maintain the map and the field book and such an exercise has to be carried out annually. Hence, the argument raised by the appellant that the matter could not be relooked is contrary to the spirit of Section 30 of the Code. The principle of res judicata may not be applicable as was applied by the lower authorities. The High Court vide impugned order has corrected that error. Even if the issue is decided against the appellant after remand, he will have opportunity to avail his appropriate remedies. The impugned order does not call for interference by this Court.

7. Heard learned counsel for the parties and perused the relevant materials on record.

8. The undisputed facts on record are that after the ownership and possession of the plots owned by the appellant and the private respondents were settled, the private respondents moved an application under Section 28 of the Uttar Pradesh Land Revenue Act, 1901 "the 1901 Act" seeking correction of the map pertaining to Plot No.22/3 owned by respondent No.1. The aforesaid application was dismissed by the Collector, Pilibhit vide order dated 27.05.1998. In the aforesaid order, the Collector had clearly recorded that Commission's report was available on record in terms of which the appellant was in possession of plot Nos. 22/1 and 22/2, whereas the private respondents were in possession of plot No.22/3 as owners. In fact, respondent No.1 - Ram Naresh had purchased the plot from Sanjay Jain and Bharat Jain, sons of Chandan Mal Jain. The vendors of the private respondents could have sold only that land which was in their

possession and put the vendee in possession thereof. There was no cause of action with the private respondents to move application for correction of map once they had purchased the plot with their eyes wide open knowing the location thereof. The order also records that a report was sought from the Regional Naib Tehsildar who had submitted his report dated 21.08.1997. Nazari map was attached with the report as document No.27/8. No objection was raised against that. Total area of Plot No.22 is 0.18 D of which 0.12 D is owned by the appellant and is registered under his name as Plot Nos. 22/1 and 22/2. Respondent No.1 had purchased 0.06 D land from Sanjay Jain and Bharat Jain, sons of Chandan Mal Jain. The aforesaid order passed by the Collector was challenged by the private respondents before the Commissioner. The Additional Commissioner (Administration), vide order dated 04.09.2001, upheld the order passed by the Collector recording that there was no error requiring correction of the revenue map as prayed by the private respondents. In fact, the effort of the private respondents was to get a new location of the plot purchased by respondent no.1, which was outside the scope of Section 28 of the 1901 Act.

9. There is no dispute that the aforesaid order attained finality. Meaning thereby, the private respondents were satisfied with the fact that they did not have any right to get the location of the plot changed, which was purchased by respondent no.1.

10. More than 17 years later, after the Code was enforced replacing the 1901 Act, another effort was made by the private respondents to get the map corrected. An application dated 12.07.2018 filed by the private respondents was rejected by the respondent No.4 vide order dated 15.01.2020. As is evident from the aforesaid order, again investigation report was called from Naib Tehsildar who had sent his report dated 12.11.2018. The preliminary objection raised by the appellant that the private respondents were making an effort to reopen a settled issue, was also considered. Again, the respondent No.4, while examining the issues in detail, came to a definite finding that the private respondents could not be permitted to raise the issue as the same already stood settled in the earlier proceedings between the parties. The application was rejected. Not satisfied with the order passed by the respondent No.4, the private respondents preferred an appeal. The appeal met the same fate as the issue once settled could not be permitted to be raised again and again. The matter was dealt with by the appellate authority in detail.

11. With the idea to somehow get a better location for the plot purchased by respondent no.1 with his eyes open, the private respondents challenged the orders passed by the Revenue Authorities before the High Court.

12. A perusal of the impugned order shows that the High Court has misdirected itself while dealing with the issues involved. The import of the Section 30 of the Code was misread and misinterpreted. For ready reference, Section 30 of the Code is extracted below:

“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.”

13. A perusal of the aforesaid section shows that the Collector is duty bound to maintain, in the manner prescribed, a map and a field book for each village. Any changes made therein have to be recorded annually or after such longer intervals as may be prescribed. The second part of section provides that the Collector shall also cause to correct any errors or omissions which are detected from time to time in any such map or field book. Use of word ‘also’ clearly depicts that the second part is in addition to the first part. It is in continuation of the same. Even otherwise, first part deals with maintenance of records annually or at such intervals as may be prescribed and recording the changes therein. It may include change of ownership on account of sale or purchase of land or of inheritance. Exchange of land can be another mode. The process of consolidation may also have effect on the revenue record maintained under Section 30 of the Code. The second part talks about errors detected and for their correction. It may be at any time.

14. If the facts of this case are examined, the issue regarding correction of map stood settled between the parties when the appeal filed by the private respondents against the order passed by the Collector, was dismissed on 04.09.2001. The maps were already final. Respondent no.1 had purchased the land and his vendors could hand over the possession of the land which they owned and possessed. After purchase, effort made by the private respondents to get the revenue map corrected had failed. They could not be permitted to raise the same issue after a gap of more than 17 years. It was not a case where any error was found in the revenue record which deserved correction under Section 30 of the Code. Rather, the effort of the private respondents was to change the location of the plot purchased by them, which may be more valuable. This does not fall within the scope of correction as envisaged under Section 30 of the Code.

15. The impugned order passed by the High Court cannot be legally sustained.

16. The main thrust of the learned counsel for the private respondents was on the issue that in a case where the matter has been remanded, this Court does not interfere. In *Satyadhyan Ghosal and Others'* case (supra), this Court had opined that an order of remand being interlocutory, and the proceedings having not been terminated, this Court should not interfere. However, the view expressed in the aforesaid judgment will not detain us from recording that after going into the facts of the case, we find that the remand of the matter, in the case at hand, was totally on the wrong premise and interpretation of Section 30 of the Code which needs correction by this Court. This could have generated unnecessary further litigation.

17. We may also add that earlier view by this Court was that in case there were violations of principles of natural justice, the matter was to be remanded for affording opportunity of hearing to the party concerned. However, with the passage of time, the view changed. The idea is to curtail the litigation and not generate it. Any unnecessary remand by a Higher Court generates fresh round of litigation, which should be avoided. Reference can be made to the judgments of this Court in *M.C. Mehta v. Union of India and others* (1999) 6 SCC 237; *State of Uttar Pradesh v. Sudhir Kumar Singh and others* (2021) 19 SCC 706 and *Krishnadatt Awasthy v. State of Madhya Pradesh* 2024 SCC Online SC 493.

18. For the reasons mentioned above, the appeal is allowed. The impugned order passed by the High Court is set aside.