



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 4587 OF 2009

RAM NARAIN (D) BY LRS. & ORS. ... APPELLANT(S)

VERSUS

THE SUB DIVISIONAL OFFICER & ORS. ... RESPONDENT(S)

J U D G M E N T

S.V.N. BHATTI, J.

1. The Appellant(s) filed a Writ Petition No. 15936 of 1989 in the High Court of Allahabad seeking Certiorari quashing the Notice dated 07.06.1988 issued under Section 123 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (hereinafter referred to as 'U.P. Z.A. & L.R. Act'), Report of the Tehsildar, Kairana dated 24.05.1989 and the Order dated 20.06.1989 passed by the Sub-Divisional Officer (for short 'SDO'), Kairana, Muzaffarnagar, Uttar Pradesh and sought a further relief in the nature of Mandamus directing the Respondents not to give effect to the said order of the Sub Divisional Officer.

2. The dispute pertains to a piece of land bearing Plot No. 2362, area 1 bigha 14 biswas, situated in Shamli, District Muzaffarnagar, Uttar Pradesh. Conflict is between the Appellant(s)/Ram Narain (since deceased) & others, who purchased the land and claimed rights as owners, and the Respondents/Suraj Bhan & others, who are agricultural labourers occupying the land. The issue is whether the Respondents' unauthorised occupation of the private land could be statutorily regularised under Section

123 of the U.P. Z.A. & L.R. Act, effectively transferring ownership to them, or if the Appellants are entitled to evict them based on their title and a declaration converting the land to non-agricultural use under Section 143 U.P. Z.A. & L.R. Act. The High Court, while deciding the Writ Petition No. 15936 of 1989, in its Judgment dated 07.09.2007, has held that Section 123(2) creates a “legal fiction” and a non-obstante clause that deems the land settled with the house owners in possession as on 30.06.1985, regardless of the declaration under Section 143 U.P. Z.A. & L.R. Act.

3. A few dates are chronologically stated as a prelude to the main narrative. Between 1960 and 1965, the State of Uttar Pradesh and the Gaon Sabha tried multiple times to evict Khazan Singh, claiming the subject land belonged to the State. After the discharge of Notices under Rule 115-C of the Uttar Pradesh Zamindari Abolition and Land Reforms Rules, 1952, issued in the years 1960 and 1962 and subsequent dropping of the Eviction Proceedings under the Uttar Pradesh Public Land (Eviction and Recovery of Rent and Damages) Act, 1959¹, in the favour of Khazan Singh’s in 1965, he was recognised as the Sirdar/tenure holder. Further, in 1971, a suit under Section 229-B of the U.P. Z.A. & L.R. Act was decreed in favour of Khazan Singh by the Additional Commissioner, Meerut, Uttar Pradesh, and the Board of Revenue, U.P., at Allahabad, upheld the same vide an Order dated 10.05.1978. Admittedly, around 1976–1977, the private Respondents, alleged to be the members of the Scheduled Caste and Scheduled Tribe community, occupied the subject land. After Khazan Singh died in 1979, the names of his successors-in-interest were mutated. His grandsons sold the land to the

¹ Uttar Pradesh Public Land (Eviction and Recovery of Rent and Damages) Act, 1959 was repealed by Section 19(1)(b) of the Uttar Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 1972.

Appellants by a registered Sale Deed dated 10.08.1984. On 11.10.1984, the Appellants obtained a declaration under Section 143 of the U.P. Z.A. & L.R. Act. This declaration legally converted the land use from “agricultural” to “residential/abadi”. The Appellants argue that once this declaration was made, the provisions of the U.P. Z.A. & L.R. Act do not apply to the land. In 1988, a Notice was issued under Section 123 of the U.P. Z.A. & L.R. Act against the Appellants to regularise the occupants’ possession. Subsequently, on 20.06.1989, the SDO, Kairana, passed an order directing that the names of the Respondents/occupants be recorded in the revenue records. This was based on a Tehsildar’s Report, Kairana, stating that the members of the Scheduled Caste/Scheduled Tribe had built houses on the land before the cut-off date of 30.06.1985. The Appellants challenged this Order by filing a Writ Petition in the High Court of Allahabad. Through the impugned judgment, the said Writ Petition was dismissed.

4. The impugned Judgment is detailed and has, *in extenso*, considered all aspects. The findings of the High Court, vide its Judgment dated 07.09.2007, can be summarised hereunder:

4.1 Relevance of Previous Legal Proceedings: The discharge of notices under Rule 115-C of the Uttar Pradesh Zamindari Abolition and Land Reforms Rules, 1952, issued in 1960 and 1962 and the dropping of eviction proceedings under the Uttar Pradesh Public Premises (Eviction of Unauthorised Occupants) Act, 1972, in 1965, had no material bearing on the current controversy. These past events were of no legal consequence to the present matter.

4.2 About Municipal Limits: The Court rejected Appellants claim that the land fell within the municipal limits of Nagar Palika Parishad, Shamli, Uttar

Pradesh because the Appellants had failed to make specific averments in their petition proving that the land was included in the Municipality under the relevant Municipal or Cantonment Acts as required by Section 1(2) of the U.P. Z.A. & L.R. Act. The Appellants had themselves benefited from earlier proceedings under the U.P. Z.A. & L.R. Act, in which the land was explicitly recorded as situated in “Village Samli, Pargana Samli, Tehsil Kairana” and not within a municipal area. The Appellants could not be allowed to blow both hot and cold simultaneously to suit their convenience.

4.3 Declaration under Section 143 of the U.P. Z.A. & L.R. Act: The private respondents were never made parties to the Section 143 proceedings, making the declaration non-binding on them. A declaration under Section 143 only excludes the application of Chapter VIII of the U.P. Z.A. & L.R. Act and shifts the matter of succession to personal law. It does not prevent the application of Chapter VII, which contains Section 123, nor does it remove the land from the statutory definition of “land” under Section 3(14) of the U.P. Z.A. & L.R. Act.

4.4 Possession: The Tehsildar’s Report dated Kairana, 24.05.1989, clearly demonstrated that Respondent Nos. 3 to 45 had built houses on the disputed land, and these houses were in existence on or before 30.06.1985, i.e. the date for regularisation of one’s occupation. The Appellants, in their own Writ Petition (at paragraph Nos. 11 and 12) and in their plaints in pending Civil Suits, admitted that the Respondents had been in “forceful possession” of the land and had built houses on it since 1976-1977.

4.5 Nature of Possession: If eligible persons built a house on any land held by a tenure holder except a Government lessee before 30.06.1985, the land is deemed to be settled with the house owner. To effectuate the socio-economic

“deeming provision” of the Statute, it was entirely immaterial whether the houses were built with the tenure holder’s consent, forcefully, or as trespassers. If the Legislature intended to exclude unauthorised occupants, it would have explicitly stated so.

4.6 Pending Suits: Having established that the Respondents were the legally recognised true owners of the house sites by statutory fiction from 30.06.1985, it was held that allowing these suits to continue would be a sheer abuse of the process of the court. Consequently, the Court exercised its *suo motu* powers under Article 227 of the Constitution of India to quash the pending Civil Suits.

5. Mr. T. N. Singh, learned Counsel, appearing for the Appellants, contends that the findings of the High Court in the impugned judgment are *ex facie* illegal and that it should not have ignored the Judgment and Decree of the Civil Court. Section 143 of the U.P. Z.A. & L.R. Act divests the Revenue Authorities of jurisdiction over pending cases and seeks the eviction of the trespassers. The learned Counsel relied on a few citations, particularly for bringing home his argument on the jurisdiction of the Civil Court and the binding nature of the findings in collateral or separate proceedings concerning the subject land.

6. Mr. Tanmaya Agarwal, learned Counsel, appearing for the State, contends that the cut-off date for declaration is 30.06.1985. The findings of fact in the impugned Judgment are available, and no exception could be taken. He took us through the findings of fact and law in the impugned Judgment. It is contended that the argument under Section 143 begs the question of the Appellants’ entitlement to move the revenue authorities for an exemption from the applicability of the provisions of the U.P. Z.A. & L.R. Act,

since by the date of Sale in favour of the Appellants, the occupants changed the features of the land and not the Bhumidar.

7. We have taken note of the submissions and perused the record.

8. The controversy is in a narrow sphere. The Appellants rely on Section 143 of the U.P. Z.A. & L.R. Act and contend that the said Act is not applicable and, therefore, the proceedings under Section 123 are illegal and not applicable. The decisions relied on by the Appellants were nowhere near the point of fact or point in law under consideration in this Appeal. Much deliberation is unnecessary, as the following circumstances establish the only available conclusion in the matter: (i) The proceedings initiated under the U.P. Z.A. & L.R. Act against late Khazan Singh ended in his favour. (ii) In 1976, the alleged trespassers took possession of the subject land and have remained in possession of it since then. (iii) The Suits were filed in 1986 for Eviction, etc.

9. Be that as it may, whether the relief of recovery of possession is available on the institution of the Suit need not be considered in this Civil Appeal. On 10.08.1984, the Appellant(s) purchased the subject land. In other words, successors-in-interest of Late Khazan Singh did not have the actual possession of the subject land. What is materially important in the circumstances of this case is that the purchase by the Appellant(s) is subject to the statutory remedy available to the occupants. The purchase cannot be set up to defeat the occupants' claim or right under Section 123 of the U.P. Z.A. & L.R. Act. The Order under Section 143-C of the U.P. Z.A. & L.R. Act is not a subject matter of challenge. Still, its applicability to a property in the possession of third parties who converted the agricultural land into non-agricultural land disentitles the Appellant(s) to relief.

10. For the above additional reasons, we agree with the High Court's decision and dismiss the Civil Appeal accordingly.

.....J.
[S.V.N. BHATTI]

.....J.
[R. MAHADEVAN]

**New Delhi;
February 25, 2026.**

**IN THE SUPREME COURT OF INDIA
EXTRA-ORDINARY APPELLATE JURISDICTION**

S.L.P. (C) NOS. 3822-3823 OF 2023

RAM NARAIN (D) BY LRS. & ORS.

...PETITIONER(S)

VERSUS

BEGRAJ SINGH & ORS.

... RESPONDENT(S)

J U D G M E N T

S.V.N. BHATTI, J.

1. The Special Leave Petitions have been tagged and heard along with Civil Appeal No. 4587 of 2009.

2. The Civil Appeal by a separate Order of even date has been dismissed. The findings recorded in the Civil Appeal, confirming the Judgment of the High Court in Writ Petition No. 15936 of 1989, have material bearing on the SLP. A few factual narratives on the pendency of the Civil Suit in the Writ Petition are disposed of. Some arguments have been advanced. Even assuming that the narrative is not correct, the findings of the High Court in the impugned Judgment still go to the very root of the Petitioner(s) entitlement to seek eviction of occupiers of the subject matter of litigation. Taking note of the regularisation Order under Section 143 of the U.P. Z.A. & L.R. Act, we see no ground warranting our interference under Article 136 of the Constitution of India.

3. For the reasons stated above, the Special Leave Petitions fail and are accordingly dismissed.

.....J.
[S.V.N. BHATTI]

.....J.
[R. MAHADEVAN]

New Delhi;
February 25, 2026.