



2026:AHC:191288

HIGH COURT OF JUDICATURE AT ALLAHABAD
CIVIL MISC REVIEW APPLICATION DEFECTIVE No. - 200 of 2026

Ashu and 75 others

.....Applicant(s)

Versus

Gaon Sabha and another

.....Opposite Party(s)

Counsel for Applicant(s)	: Rohit Nandan Pandey, Satendra Kumar Singh, Satya Prakash Rai, Suresh Chandra Varma, Yogesh Kumar Singh
Counsel for Opposite Party(s)	: C.S.C., Kaushalendra Nath Singh, Sunil Kumar Singh

Reserved on 8.9.2026
Delivered on 14.9.2026.

Court No. - 36

HON'BLE SAURABH SHYAM SHAMSHERY, J.

Civil Misc. Delay Condonation Application No.01 of 2026.

1. Heard.
2. Allowed.
3. Delay in filing the review application is condoned.

Order on Review Petition.

1. The judgment under review was challenged by one set of aggrieved persons by way of filing a Special Leave Petition (Civil) Diary No.(s) 8825/2025, which was dismissed vide an order dated 15.4.2025, assigning reasons. For reference, said order in its entirety is reproduced hereinafter:

“ 1. Application for deletion of respondent nos.5 to 126 is allowed. Cause title be amended accordingly.

2. Delay condoned.

3. We have heard learned senior counsel for the petitioners at a considerable length. On perusal of the orders passed by Sub-Divisional Officer, the then Collector, as well as by the High Court, we are satisfied that the allotment of subject-plots was a fraudulent exercise of power by the then Gram Panchayat, which was rightly annulled by the Authorities. That apart, no legal right can be said to have vested in the petitioners, as the possession of allotted plots was admittedly not handed to them at any point of time.

4. For the reasons aforestated, this special leave petition is dismissed.

5. All pending applications, if any, also stand disposed of.”

2. The review applicants before this Court have also challenged the judgment under review in Special Leave Petition (Civil) Diary No(s). 11332/2025 wherein following order was passed on 23.9.2025:

“1. Though the identical matter has already been dismissed by this Court by way of a reasoned order dated 15.04.2025 passed in Diary No.8825/2025, learned senior counsel for the petitioners seeks and are permitted to withdraw these petitions as they want to move an appropriate application before the High Court. Ordered accordingly.

2. The Special Leave Petitions are, accordingly, dismissed as withdrawn.”

3. In pursuance of aforesaid order, present review application is being filed. Relevant part of judgment under review is reproduced hereinafter:

“13. Heard counsel for parties and perused the record.

14. In the present case, on basis of above referred facts, it is not under dispute that land in question was recorded as pasture land in Revenue Record as well as that on basis of resolution adopted, till date land has not been handed over to its beneficiaries i.e. contesting respondents.

15. A land which is reserved for pasture land and its nature cannot be changed except in extraordinary circumstances, which does not reflect from the proceedings in question and material on record.

16. The Supreme Court in case of **State of Jharkhand Vs. Pakhur Pakur Jagran Manch and others**, 2011 (2) SCC 591, in similar circumstances has held that:-

“15. Regulation 10 empowers the State Government to appoint the officers by whom the settlement is to be made and make rules for the procedure of such officers in the investigation into rights in the land and hearing of suits, and generally for the guidance of such officers.

23. We should however note that such dereservation of any government land reserved as gochar, should only be in exceptional circumstances and for valid reasons, having regard to the importance of gochar in every village. Any attempt by either the villagers or others to encroach upon or illegally convert the gochar to house plots or other non-grazing use should be resisted and firmly dealt with. Any requirement of land for any public purpose should be met from available waste or unutilised land in the village and not gochar.

24. Whenever it becomes inevitable or necessary to dereserve any gochar for any public purpose (which as stated above should be as a last resort), the following procedure contemplated in Regulations 24 and 25 and Section 38(2) should be strictly followed:

(a) The jurisdictional Deputy Commissioner shall prepare a note/report giving the reasons why the gochar had been identified for any non-grazing public purpose and record the non-availability of other suitable land for such public purpose. The Deputy Commissioner shall send the said

proposal for dereservation to the State Government for its previous sanction.

(b) The State Government should consider the request for sanction keeping in view the object of gochar and the need for maintaining a minimum of five per cent of village area as gochar, and call for suggestions/objections from the villagers before granting sanction.

(c) If the State Government grants the sanction, the Deputy Commissioner should proceed to make an order dereserving, the gochar by making appropriate entries in the record-of-rights and reclassifying the same for the purpose for which it was dereserved.

(d) Whenever the gochar in a village is dereserved and diverted to non-grazing use, simultaneously or at least immediately thereafter the State should make available alternative land as gochar, in a manner and to an extent that the gochar continues to be not less than 5% of the total extent of the village as provided under Section 38(2) of the Tenancy Act.”

17. As referred above a pasture land cannot be converted for granting patta except in exceptional circumstances or inevitable conditions or it becomes necessary, however, none of such contingency is reflected from records and it appears that in a very general manner, the land referred as pasture land was dereserved for the purpose of allotment of patta without any exceptional circumstances or inevitable condition.

18. In the aforesaid circumstances, nature of proceedings that even Monadikarta has disputed about Munnadi as well as S.D.M. has approved the proposal in three dates itself reflects that requisite application of mind for de reservation of land reserved for pasture was not followed as well as due procedure was also not followed.

19. Accordingly, the Court is of considered opinion that procedure followed for change of nature of pasture land was absolutely illegal as well as that since the land was not handed over to its beneficiaries, therefore, no prejudice could be caused to contesting respondents. Accordingly, entire proceeding of allotment and changing the nature of land as well as impugned order dated 09.06.2003 passed by Board of Revenue are set aside and it is observed that this order will not come in the way if State or Gram Sabha proceed for allotment of land (other than public utility land) or change of nature of land under due procedure to landless persons including contesting respondents, in accordance with law.

20. Accordingly, writ petition is disposed of with aforesaid observation.”

4. Sri Satya Prakash Rai, learned counsel for review applicants submitted that they are not disputing the judgment under review so far as pasture land is concerned that it cannot be given on lease, however, their case is that land on which review applicants were granted Patta was a Usar/Barren land where there is no bar, which requires change of user and since such distinction was not considered, when the judgment under review was passed, therefore review application be allowed and matter of all review applicants be heard separately on this point. Review applicants have also claimed that some of the applicants have been granted possession on basis of allotment of lease.

5. Per Contra, Sri Kaushlendra Nath Singh, learned counsel for the respondents has supported the judgment under review and submitted that classification made by review applicants is baseless. The judgment under review has not only dealt with pasture land but, it has dealt with process of allotment of all Patta, which was found defective, therefore, no case of review is made out.

6. Law in regard to scope of review was reiterated by Supreme Court in the cases of **Sanjay Kumar Agarwal vs. State Tax Officer (1) and another, 2023 INSC 963**, **Malleeswari vs. K. Suguna and another, 2025 INSC 1080** as well as **State of West Bengal and others vs. Jai Hind Private Limited, (2026) 5 SCC 481** and for reference, relevant part of said judgments are quoted below :-

Sanjay Kumar Agarwal (supra)

“16. The gist of the aforestated decisions is that:

16.1 A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

16.2. A judgment pronounced by the court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

16.3. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record justifying the court to exercise its power of review.

16.4. In exercise of the jurisdiction under Order 47 Rule 1CPC, it is not permissible for an erroneous decision to be “reheard and corrected”.

16.5. A review petition has a limited purpose and cannot be allowed to be “an appeal in disguise”.

16.6. Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

16.7. An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

16.8. Even the change in law or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground for review.”

“Malleeswari (supra)

17 Having noticed the distinction between the power of review and appellate power, we restate the power and scope of review jurisdiction. Review grounds are summed up as follows:

17.1 The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed.

17.2 Mistake or error apparent on the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record. 8 (Hari Vishnu Kamath v. Syed Ahmad Ishaque, 1954) 2 SCC 881 1955) 1 SCR 1104.) Such an error is a patent error and not a mere wrong decision. 9 T.C. Basappa v. T. Nagappa, (1954) 1 SCC 905 : AIR 1954 SC 440. An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. 10 Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale, AIR 1960 SC 137.

17.3 Lastly, the phrase ‘for any other sufficient reason’ means a reason that is sufficient on grounds at least analogous to those specified in the other two categories. 11 Chhajju Ram v. Neki, 1922 SCC OnLine PC 11”

State of West Bengal vs. Jai Hind Pvt. Ltd. (supra)

“76. As regards the scope of review, it is well settled that it is of a limited and narrow one, unlike the case of appeal, where the appellate court could revisit the entire facts and could re-hear the complete matter on merits. On the other hand, the purpose of a review is to rectify manifest or exceptional wrongs. It is not for reappreciating facts or seeking a different conclusion. Thus, a review could not be an appeal in disguise by reappreciating the evidence and grounds which have already traversed or come to a conclusion.

77. Review is essentially to strike a balance between the rule of finality, which is crucial for maintaining legal certainty and to avoid irremediable injustice caused by patent mistakes, fraud, failure of natural justice or similar exceptional situations, as was held in Northern India Caterers (India) Ltd. v. State (UT of Delhi) [Northern India Caterers (India) Ltd. v. State (UT of Delhi), (1980) 2 SCC 167 : (1980) 45 STC 212]. It is for this reason that the courts have emphasised from time to time that review must be exercised with great caution and only when the requisite limited criteria are satisfied, in which the error must be evident and not one which requires elaborate arguments to discover.

78. One can find the basic legal postulates of the scope of review in Section 114 read with Rule 1 of Order 47CPC, which are applied in all proceedings in which the power of review is exercised. Thus, only on the following grounds, a review would lie:

- (i) Discovery of new and important matter or evidence; or*
- (ii) Mistake or error apparent on the face of the record; or*
- Any other sufficient reason.”*

7. Attempt of present review applicants that their case be distinguished from other persons is a futile attempt, since it is an admitted case of all the lease holders that there was a single process of allotment of lease and

land was not handed over to any of the lease holders, therefore, finding that process required for allotment of lease was not followed 'Munadi' was not conducted, 'munadi karta' has denied 'munadi' and that due process was not followed was equally applicable in the case of present review applicants.

8. Court finds that a classification that land allotted to the review applicants was a Usar, at this stage, is vague classification which cannot be considered to an extent that irregularities in process of allotment be condoned within the scope review, when irregularities are not being much disputed. A reference that land was handed over to predecessors of some applicants is not supported by any documents, therefore, cannot be relied upon.

9. Court does not find that it is a fit case where the present review application can be allowed on law as well as on facts, accordingly this review application is rejected.

(Saurabh Shyam Shamshery,J.)

September14, 2026

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