A.F.R.

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HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - C No. - 1004320 of 2005

Umesh Singh and 3 Ors. Objection Filed

…..Petitioner(s)

Versus

Addl. Commissioner Lucknow and 5 Ors.

…..Respondent(s)

Counsel for Petitioner(s)	:	Brijesh Kumar Saxena, Anoop Srivastava, Mohammad Aslam Khan, Tushar Gupta
Counsel for Respondent(s)	:	C.S.C., Dilip Kumar Pandey, G.s.sikarwar, Gyanendra Singh Sikarwar, Kuldeep Singh Sikarwar, R.n. Gupta, S.k.mirza

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Court No. - 4

HON'BLE IRSHAD ALI, J.

1. Heard Mohd. Arif Khan, learned Senior Advocate assisted by Sri Pankaj Gupta and Mohd. Aslam Khan, learned counsel for the petitioners, learned Standing Counsel for the State-respondent and Sri G.S. Sikarwar, learned counsel for respondent Nos.5 and 6.

2. By means of the present writ petition, the petitioners have prayed as under :-

> *"a) issue a writ, in the nature of certiorari, quashing the impugned Judgment dated 24th September 2004 to the extent whereby it purports to set aside the Judgment dated 15th February 1999 passed in Civil Revision No.1014/97-98, by the Court of the Additional Commissioner, Lucknow Division, Lucknow, as contained in Annexures No. 7 with the Writ Petition, as well as the Order dated*

22nd March 2005, contained in Annexure No. 8 with the Writ Petition.

b) …

c) …"

3. The controversy arises out of mutation proceedings initiated under Section 34 of the U.P. Land Revenue Act, 1901 in respect of the land in dispute. The genesis of the dispute is the death of Bhagauti Singh, son of Ganga Bux Singh, who, according to the respondents, was recorded as the bhumidhar of Khata No. 78 comprising Gata No. 92, area 0.303, Gata No. 140, area 0.908 and Gata No. 153, area 0.183.

4. The case of the respondents is that Bhagauti Singh died issueless on 24.01.1994 and had no legal heirs falling within the category contemplated under Section 171 of the U.P. Zamindari Abolition and Land Reforms Act, 1950. After his death, competing claims were raised by different persons for mutation of their names over the land in dispute on the basis of different Wills.

5. The petitioners claimed mutation on the basis of an unregistered Will dated 21.01.1994. According to the counter affidavit filed on behalf of respondent No. 4, another claimant, namely Amresh Singh, asserted his claim on the basis of an unregistered Will dated 22.01.1994, whereas Kotpal Singh claimed on the basis of a registered Will dated 04.10.1982. The counter affidavit of Respondent Nos. 1 to 3 also refers to five separate mutation applications founded upon different registered and unregistered Wills.

6. The mutation applications were considered by the Naib Tehsildar, Bharawan, District Hardoi. Vide order dated 26.09.1997, the Naib Tehsildar rejected the claims made by the respective applicants. According to the respondents, the authority considered the evidence produced by the rival claimants and found that the execution of the Wills relied upon by them had not been satisfactorily proved. It was further recorded that the signatures of the alleged testator on the Wills were

different and that the claimants had failed to establish the genuineness and due execution of the documents relied upon by them.

7. The Naib Tehsildar consequently directed that the land be recorded in the name of the State Government and that the Land Management Committee should look after and manage the property. The said order dated 26.09.1997 forms the foundation of the subsequent appellate and revisional proceedings.

8. Aggrieved by the order dated 26.09.1997, the petitioners preferred an appeal under Section 210 of the U.P. Land Revenue Act, which was registered as Appeal No. 42 of 1997. The appeal was considered by the appellate authority/Sub-Divisional Magistrate, Sandila, District Hardoi.

9. Vide order dated 30.05.1998, the appeal preferred by the petitioners came to be dismissed. The respondents state that the appellate authority considered the rival claims and found no ground to interfere with the order passed by the Naib Tehsildar. The order dated 26.09.1997 was accordingly affirmed.

10. The petitioners thereafter invoked the revisional jurisdiction under Section 219 of the U.P. Land Revenue Act. Their revision was registered as Revision No. 1014/1997-98 before the competent revisional authority at Lucknow. The said revision was allowed by judgment and order dated 15.02.1999. The earlier orders passed by the Naib Tehsildar and the appellate authority were set aside and the petitioners' claim for mutation was accepted.

11. The petitioners assert that the judgment dated 15.02.1999 was a final adjudication in their revision and that the revenue authorities thereafter acted upon the same by recording the names of the petitioners in the revenue records.

12. The subsequent proceedings giving rise to the present writ petition commenced when other claimants, including Opposite Parties No. 5 and 6, invoked the revisional jurisdiction against the appellate order dated 30.05.1998. The revision was registered as Revision No. 640/1999-2000. The respondents have also referred to another revision, namely Revision

No. 693/1999-2000, stated to have been filed by Raj Kumar Singh. Thus, according to the counter affidavit, more than one person had invoked the revisional jurisdiction against the same appellate order.

13. The petitioners' main grievance is that their revision had already been decided on 15.02.1999. However, in the later revision filed by the other claimants, the revisional authority passed an order dated 24.09.2004 setting aside the earlier judgment dated 15.02.1999.

14. The impugned judgment dated 24.09.2004 was passed by the Additional Commissioner, Lucknow Division, Lucknow in Revision No. 640/1999-2000. By the said order, the revision preferred by the other claimants was allowed and the judgment dated 15.02.1999, which had been rendered in favour of the petitioners in Revision No. 1014/1997-98, was set aside.

15. The petitioners thereafter moved an application seeking recall of the order dated 24.09.2004. The said application was rejected by order dated 22.03.2005. It is these two orders which are under challenge in the present writ petition.

16. The petitioners have challenged the impugned orders on several grounds. The principal contention is that the Additional Commissioner, while exercising jurisdiction under Section 219 of the U.P. Land Revenue Act in Revision No. 640/1999-2000, had no jurisdiction to set aside the judgment dated 15.02.1999 rendered by another revisional authority in Revision No. 1014/1997-98.

17. It is submitted by Sri Mohd. Arif Khan, learned Senior Advocate that Revision No. 640/1999-2000 was filed against the order dated 30.05.1998 passed in Appeal No. 42 of 1997 and that the order dated 15.02.1999 was not the subject matter of that revision when it was instituted. According to the petitioners, the revisional court could examine only the legality and propriety of the order which was properly before it and could not assume the role of an appellate or reviewing court over a judgment rendered earlier by a coordinate revisional authority.

18. Learned counsel for the petitioners has further submitted that Section 219(2) of the U.P. Land Revenue Act merely prohibits a further revision by the same person. It does not authorise a subsequent revisional authority to reopen a final judgment rendered in favour of one revisionist merely because another person subsequently files a revision arising from the same original proceedings.

19. It is further contended that the order dated 15.02.1999 had attained finality so far as the petitioners were concerned and had been acted upon. The subsequent interference with the said judgment, according to the petitioners, amounts to an exercise of jurisdiction not vested in the revisional authority.

20. The petitioners have also pleaded that respondent Nos. 5 and 6 did not challenge the original mutation order dated 26.09.1997 by filing an appeal under Section 210. Therefore, their grievance could not widen the scope of the proceedings filed by them or give the subsequent revisional court the power to set aside the judgment dated 15.02.1999 passed in a separate revision.

21. It has also been argued that the order dated 15.02.1999 could not have been set aside merely by describing it as an ex parte order. If any person who had not been heard in the earlier revision was aggrieved by the said judgment, his remedy was to pursue the remedy available in law against that order. The subsequent revision against the appellate order could not be converted into a proceeding for review or recall of a judgment passed in another revision.

22. Learned counsel for the petitioners further submitted that the subsequent revisional order has adversely affected their substantial rights in the property after their names had already been mutated pursuant to the judgment dated 15.02.1999. The impugned order is, therefore, alleged to be perverse, without jurisdiction and contrary to the statutory scheme.

23. In the counter affidavit filed on behalf of respondent No. 4, the factual basis of the petitioners' claim has been disputed. It is stated that

the disputed land was recorded in the name of Bhagauti Singh, who died issueless.

24. According to respondent No. 4, the petitioners claimed mutation on the basis of an unregistered Will dated 21.01.1994. Other persons also claimed mutation on the basis of other Wills. All such claims were considered together by the Naib Tehsildar.

25. Respondent No. 4 relies upon the order dated 26.09.1997 and states that the authority, after providing opportunity of hearing and considering the evidence, found that the Wills relied upon by the claimants were not proved and appeared to be forged or unreliable. Consequently, the land was directed to be recorded in the name of the State.

26. Respondent No. 4 further states that an appeal was filed before the appellate authority and the order of the Naib Tehsildar was affirmed. It is also stated that an appeal filed by Umesh Singh and others did not initially include all the claimants as parties, though the appeal was dismissed on merits and the order dated 26.09.1997 was confirmed.

27. With regard to the petitioners' revision, respondent No. 4 admits that Revision No. 1014/1997-98 was decided on 15.02.1999 in favour of the petitioners. However, the said respondent disputes the manner in which the revision was decided and contends that the other persons who had filed objections before the Naib Tehsildar had not been impleaded in the revision.

28. It is specifically pleaded that the judgment dated 15.02.1999 was passed ex parte insofar as the other claimants were concerned. On this basis, the respondent No. 4 supports the subsequent revisional order dated 24.09.2004.

29. The respondent No. 4 has also raised the plea that proceedings under Section 34 of the U.P. Land Revenue Act are summary in nature and cannot confer title upon any party. According to the said respondent, if the petitioners claim substantive title on the basis of a Will, their remedy lies before the competent civil court.

30. The counter affidavit filed on behalf of Respondent Nos. 1 to 3 raises certain additional objections. It is first pleaded that the writ petition is not maintainable for non-joinder of Raj Kumar Singh, who had allegedly also filed a mutation application on the basis of a registered sale deed.

31. It is stated that the Naib Tehsildar had rejected the mutation applications of all the claimants by order dated 26.09.1997 and that the appellate authority had affirmed the said order on 30.05.1998. According to Respondent Nos. 1 to 3, Raj Kumar Singh was a necessary party and his non-impleadment renders the writ petition defective.

32. A further objection is that the writ petition arises out of mutation proceedings, which are summary in nature. Reliance has been placed upon the judgments referred to in the counter affidavit, including ***Smt. Kalawati v. Board of Revenue,*** reported in **2002 (2) AWC 1311**, and ***Hadisul Nisha v. Additional Commissioner (Judicial), Faizabad and others,*** reported in **2021 (6) ADJ 176**.

33. It is also pleaded that Gaon Sabha was a necessary party, whereas the petitioners had impleaded the Pradhan as Opposite Party No. 4. The writ petition is accordingly alleged to suffer from non-joinder of the necessary party and misjoinder of the Pradhan.

34. On merits, respondent Nos. 1 to 3 reiterate that Bhagauti Singh was the recorded bhumidhar and died issueless on 24.01.1994. Five separate mutation applications were filed on the basis of different Wills. According to the respondents, none of the claimants could prove the execution of the respective Will relied upon by them.

35. It is stated that the Naib Tehsildar considered the entire material and passed a detailed order dated 26.09.1997 rejecting all the mutation claims and directing that the land be recorded in the name of the State Government and managed by the Land Management Committee.

36. The appellate order dated 30.05.1998 is also relied upon. According to respondent Nos.1 to 3, the appellate authority found

discrepancies in the signatures of the alleged testator and concluded that the respective claimants had failed to establish their Wills.

37. Respondent Nos.1 to 3 have specifically referred to the existence of different revisions arising from the same proceedings. According to their counter affidavit, Ashutosh Kumar Singh and Ashok Kumar Singh filed Revision No. 640/1999-2000, Raj Kumar Singh filed Revision No. 693/1999-2000 and Umesh Singh filed Revision No. 1014/1997-98.

38. It is stated that Revision No.1014/1997-98 was decided on 15.02.1999, while the other revisions remained pending. According to the respondents, the other claimants thereafter took steps against the order dated 15.02.1999, including filing an application for recall.

39. The respondents further state that Raj Kumar Singh had filed an application for recall of the order dated 15.02.1999 on 28.08.2000, alleging that the order was ex parte. The revisional authority ultimately passed the impugned order dated 24.09.2004 after considering the matter.

40. The respondents-State further rely upon the fact that the petitioners subsequently filed an application dated 18.10.2004 seeking recall of the order dated 24.09.2004, which was dismissed on 22.03.2005.

41. It is also alleged that after the petitioners' names were mutated pursuant to the order dated 15.02.1999, Arjun Singh, son of Ram Singh, petitioner No. 4, mortgaged his alleged share in favour of the Bank of Baroda. According to the respondents, the said conduct indicates mala fide intention. The respondents accordingly pray for dismissal of the writ petition with costs.

42. Having considered the rival submissions, I perused the material on record.

43. The question of maintainability of the writ petition has already been decided by this Court vide order dated 26.5.2026, the operative portion is being quoted below :-

"In regard to the exception carved out in the judgment aforesaid, it is provided that if the order is without jurisdiction, the writ petition can be maintained. Here in the present case, vide impugned order dated 24.9.2004, the revision of the petitioner, which was allowed, has been dismissed by the revisional court, therefore, the order is totally without jurisdiction. In a revision filed by a party, the revision which was allowed, cannot be dismissed by the authority concerned, therefore, the order is wholly without jurisdiction, therefore, the judgment in the case of Smt. Hadisul Nisha (Supra) is fully applicable.

In regard to the third objection, it is recorded that the revision filed by Raj Kumar Singh was dismissed. If he was aggrieved, he would have filed writ petition before the Court against the dismissal order passed by the Additional Commissioner and in case he was a necessary party, he has not moved any impleadment application in the case that he a necessary party in the case, therefore, the objection is not maintainable, thus, is rejected."

44. The principal question which arises for consideration is as to whether the learned Additional Commissioner, while deciding Revision No. 640/1999-2000 preferred by the opposite parties against the order dated 30.05.1998 passed in Appeal No. 42 of 1997, was justified in setting aside the judgment and order dated 15.02.1999 passed by the revisional authority in Revision No. 1014/1997-98, which had been preferred by the petitioners against the very same appellate order.

45. The facts which are not in dispute are that the Naib Tehsildar, Bharawan, District Hardoi, by order dated 26.09.1997, rejected the respective mutation claims made by the parties in respect of the land in dispute. The petitioners challenged the said order by preferring an appeal under Section 210 of the U.P. Land Revenue Act, which came to be dismissed by the appellate authority on 30.05.1998.

46. Thereafter, the petitioners invoked the revisional jurisdiction under Section 219 of the U.P. Land Revenue Act and their revision was registered as Revision No. 1014/1997-98. The said revision was finally decided on 15.02.1999 and the revision preferred by the petitioners was allowed. The orders passed by the Naib Tehsildar and the appellate authority were set aside and the claim of the petitioners was accepted for the purposes of mutation.

47. It is thereafter that the other claimants, who were admittedly not the petitioners in Revision No. 1014/1997-98, pursued their own revisional remedies arising out of the order dated 30.05.1998. One such revision was registered as Revision No. 640/1999-2000. The said revision was ultimately decided on 24.09.2004.

48. The petitioners' grievance is not, therefore, merely that another revision was entertained by the revisional authority. Their principal grievance is that while deciding a revision instituted by other persons, the learned Additional Commissioner proceeded to set aside the final judgment dated 15.02.1999 rendered in the petitioners' separate revision.

49. The revision filed by the petitioners and the revision filed by the other claimants may have arisen out of the same appellate order, but they were separate proceedings instituted by different persons. The judgment dated 15.02.1999 was rendered in the revision preferred by the petitioners and had finally determined that proceeding.

50. At this stage, it is appropriate to notice Section 219 of the U.P. Land Revenue Act. Sub-section (1) confers revisional jurisdiction upon the specified revenue authorities to call for the record of a case decided or proceeding held by a subordinate revenue court in which no appeal lies or where an appeal lies but has not been preferred, for satisfying themselves as to the legality or propriety of the order passed or proceeding held and to pass such order as the statute permits where the subordinate court has exercised jurisdiction not vested in it, failed to exercise jurisdiction vested in it, or acted illegally or with material irregularity in the exercise of its jurisdiction.

51. Sub-section (2) of Section 219 provides that where an application under the section has been moved by any person before one of the authorities specified therein, no further application by the same person shall be entertained by any other such authority.

52. The statutory scheme, therefore, makes it clear that the revisional jurisdiction is directed against the legality or propriety of the order or proceeding of the subordinate revenue court which is brought before the revisional authority. The provision does not confer upon the revisional authority an unlimited power of review over every order which may have been passed in the history of the litigation.

53. It is equally significant that the bar contained in Section 219(2) is against a further application by the **same person**. The mere fact that one person has already preferred a revision against an order does not, by itself, prevent another person, who was independently aggrieved by the same order, from invoking the revisional jurisdiction. The statutory provision has been understood in the same manner by this Court while examining the scope of Section 219(2).

54. Thus, the mere filing of Revision No. 640/1999-2000 by the other claimants cannot be held to be impermissible solely on the ground that the petitioners' Revision No. 1014/1997-98 had already been decided. The question, however, is as to whether the subsequent revisional authority, while exercising jurisdiction in Revision No. 640/1999-2000, could go further and nullify the judgment dated 15.02.1999 passed in the petitioners' revision.

55. In my considered opinion, the answer has to be in the negative.

56. The judgment dated 15.02.1999 was a final judgment rendered by a competent revisional authority in exercise of jurisdiction under Section 219 of the U.P. Land Revenue Act. It was not an interim order. It was passed upon consideration of the revision preferred by the petitioners against the appellate order dated 30.05.1998.

57. Once the revisional authority had exercised its jurisdiction and finally decided Revision No. 1014/1997-98, the said judgment could not

be treated as though it had never existed merely because another person subsequently invoked the revisional jurisdiction against the same underlying appellate order.

58. The subsequent revisional authority was certainly entitled to examine the revision properly before it in accordance with law. It could examine whether the appellate order dated 30.05.1998 suffered from any jurisdictional error, illegality or material irregularity. But such power cannot be equated with a power to sit in appeal over or review a final judgment rendered by another authority of coordinate jurisdiction.

59. The doctrine of finality of judicial proceedings is not founded merely upon the principle of res judicata. It also flows from the institutional requirement that an order finally passed by a competent authority cannot be repeatedly reopened by another authority exercising the same jurisdiction unless the statute expressly confers such power.

60. If the view taken in the impugned order were to be accepted, the consequence would be that whenever several persons have independently challenged the same original order, the authority deciding a later revision could nullify a judgment already rendered in an earlier revision. Such a course would result in uncertainty and would permit one revisional authority to effectively sit in appeal over the judgment of another authority exercising coordinate jurisdiction.

61. Nothing has been shown from Section 219 of the U.P. Land Revenue Act which confers such a power upon the subsequent revisional authority.

62. The respondents have sought to justify the impugned order by contending that the judgment dated 15.02.1999 was passed ex parte, inasmuch as the other claimants had not been impleaded in the petitioners' revision.

63. The said submission requires consideration, but it does not furnish a source of jurisdiction to the subsequent revisional authority.

64. If the other claimants were genuinely aggrieved on the ground that they had not been impleaded or heard in Revision No. 1014/1997-98, it

was open to them to pursue such remedy as was available to them in law against the judgment dated 15.02.1999. The grievance of want of hearing may constitute a ground for appropriate relief, however, the existence of such grievance cannot, by itself, enlarge the jurisdiction of an authority deciding a separate revision so as to enable it to recall or set aside the judgment passed in the earlier proceeding.

65. In fact, the counter affidavit itself discloses that one of the other claimants had moved an application for recall of the judgment dated 15.02.1999. This circumstance is material because it demonstrates that the grievance regarding the alleged ex parte nature of the earlier judgment was independently raised.

66. However, the subsequent revision was filed against the appellate order dated 30.05.1998. Merely because the revisional authority was aware of the judgment dated 15.02.1999 while deciding the subsequent revision, it did not acquire the power or jurisdiction to set aside that judgment.

67. A clear distinction has to be made between the right of another aggrieved person to file a revision and the power of the subsequent revisional authority to set aside a final judgment passed in an earlier revision. While filing of such a revision may be permissible, it does not automatically give the subsequent revisional authority the power to set aside the earlier final judgment.

68. The impugned order, however, does not merely decide the revision of the subsequent revisionists. It expressly sets aside the judgment dated 15.02.1999 whereby the petitioners' revision had already been allowed.

69. Such interference, in my considered view, was beyond the scope of the revisional jurisdiction exercised in Revision No. 640/1999-2000.

70. The respondents have also placed reliance upon the fact that several persons had claimed the property on the basis of different Wills and that the original mutation proceedings had been contested by all of them. There can be no dispute that the existence of rival claims required

the revenue authorities to consider the material placed before them in accordance with law.

71. The order dated 26.09.1997 was challenged in appeal and thereafter in revision. However, once the petitioners' revision had been finally decided by the judgment dated 15.02.1999, the subsequent proceedings could not be used to set aside that judgment unless there was a specific legal provision or jurisdiction permitting such action.

72. The Court is conscious that the other claimants may have a legitimate grievance concerning the effect of the judgment dated 15.02.1999 upon their respective claims. However, the existence of an aggrieved party does not dispense with the requirement of jurisdiction. Every relief must be obtained before the forum competent in law to grant it.

73. The principle is particularly relevant in the present case because the impugned order was not passed by an appellate authority over the judgment dated 15.02.1999. It was passed by a revisional authority exercising jurisdiction under the same statutory provision under which the earlier judgment had been rendered.

74. The subsequent revisional authority, therefore, could not assume the position of an appellate or reviewing authority over the judgment of its coordinate forum. It is also relevant that the petitioners' names had been recorded in the revenue records pursuant to the judgment dated 15.02.1999. The said judgment had therefore been implemented and had become effective.

75. The subsequent order dated 24.09.2004, passed after a considerable lapse of time, had the effect of disturbing the legal consequences flowing from the earlier final judgment. Such interference required clear statutory authority, which has not been demonstrated before this Court.

76. The plea raised by the respondents that the petitioners had thereafter mortgaged their alleged share in favour of the Bank of Baroda also does not alter the legal position. Whether such mortgage was valid,

whether the petitioners possessed transferable rights and what consequences flow from the alleged transaction are matters which do not arise for determination in the present proceedings.

77. Likewise, this Court is not called upon to determine whether the Will dated 21.01.1994 relied upon by the petitioners was genuine or whether the rival Wills relied upon by the other claimants were validly executed. Those questions concern substantive rights and title and are not necessary for deciding the jurisdictional issue raised in the present writ petition.

78. The respondents have also referred to the summary nature of mutation proceedings and have contended that no title can be claimed merely on the basis of mutation.

79. There is no quarrel with the aforesaid proposition. Mutation proceedings are summary in nature and an order passed therein does not finally determine title. The restoration of the judgment dated 15.02.1999 by this Court would, therefore, operate only within the scope of the revenue proceedings and shall not be understood as a final declaration of title in favour of the petitioners.

80. The limited nature of mutation proceedings, however, does not authorise a revisional authority to travel beyond the jurisdiction vested in it. The fact that mutation proceedings are summary does not dilute the statutory limits applicable to the revisional court.

81. The objection regarding non-joinder of Raj Kumar Singh also does not justify sustaining the impugned order. The present petition principally challenges the subsequent revisional order on the ground that the revisional authority exceeded its jurisdiction in setting aside the judgment dated 15.02.1999. This Court is not adjudicating the independent title claim of Raj Kumar Singh.

82. Similarly, the question whether Gaon Sabha was a necessary party or whether the Pradhan was wrongly impleaded does not have a bearing upon the jurisdictional question which arises for determination. These objections may be relevant in proceedings concerning the substantive

rights of the parties, but cannot validate an order passed in excess of jurisdiction.

83. It is also important to note that the order dated 22.03.2005 rejecting the petitioners' recall application is based entirely on the order dated 24.09.2004. Once the order dated 24.09.2004, to the extent it interferes with the judgment dated 15.02.1999, is found to be legally unsustainable, the consequential order dated 22.03.2005 also cannot be allowed to continue or give effect to that illegality.

84. The effect of the order dated 15.02.1999 shall remain confined to the mutation proceedings and the revenue record. The parties shall remain at liberty to approach the competent court for declaration of their respective substantive rights, if so advised.

85. Thus, the conclusion of this Court is not that the petitioners have established an indefeasible title over the disputed property. The conclusion is confined to the legality of the impugned revisional order and the authority of the learned Additional Commissioner to set aside the earlier judgment dated 15.02.1999 in the manner in which it has been done.

86. On an overall consideration of the matter, this Court is of the opinion that the learned Additional Commissioner, while deciding Revision No. 640/1999-2000, travelled beyond the jurisdiction available to him under Section 219 of the U.P. Land Revenue Act insofar as he proceeded to set aside the judgment dated 15.02.1999 passed in Revision No. 1014/1997-98.

87. The judgment dated 15.02.1999 had been rendered in a separate revision preferred by the petitioners and was a final adjudication by a competent revisional authority. The subsequent revisional authority could not, in the absence of any statutory power of review over a coordinate revisional judgment, nullify the same while deciding the revision of another claimant.

88. Accordingly, the impugned judgment and order dated 24.09.2004 is liable to be quashed to the extent whereby it sets aside the judgment and order dated 15.02.1999 passed in Revision No. 1014/1997-98.

89. The consequential order dated 22.03.2005 rejecting the petitioners' application for recall is also liable to be quashed to the same extent.

90. For the reasons recorded above, the writ petition succeeds and is **allowed**.

91. The judgment and order dated **24.09.2004**, passed by the Additional Commissioner, Lucknow Division, Lucknow in Revision No. **640/1999-2000**, is hereby **quashed to the extent whereby it sets aside the judgment and order dated 15.02.1999 passed in Revision No. 1014/1997-98**.

92. The consequential order dated **22.03.2005**, whereby the petitioners' application seeking recall of the order dated 24.09.2004 was dismissed, is also quashed to the aforesaid extent.

93. The judgment and order dated **15.02.1999 passed in Revision No. 1014/1997-98 shall stand restored**, subject to the clarification that the said judgment, having arisen out of mutation proceedings, shall not be construed as a final adjudication of title over the disputed property.

94. The parties shall remain at liberty to seek adjudication of their substantive rights and title before the competent court in accordance with law. Any such court shall decide the dispute on its own merits and shall not be influenced by the observations made in the present judgment except to the limited extent relating to the jurisdictional issue decided herein.

95. There shall be no order as to costs.

(Irshad Ali,J.)

August 25, 2026
Gautam

Digitally signed by :-
GAUTAM TECKCHANDANI
High Court of Judicature at Allahabad,
Lucknow Bench