A.F.R.
Neutral Citation No. - 2026:AHC-LKO:81973
Reserved on: 23.10.2026
Delivered on: 16.11.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CIVIL MISC REVIEW APPLICATION DEFECTIVE No. - 69 of 2026

State of U.P. Thru. Collector Faizabad and another

…..Applicant(s)

Versus

Shrimati Afsar Jahan and 2 others

…..Opposite Party(s)

Counsel for Applicant(s) : C.S.C.,
Counsel for Opposite Party(s) : Mohd. Aslam Khan,

Court No. - 4

HON'BLE IRSHAD ALI, J.

1. Heard Sri Pratyush Kumar, learned Additional Advocate General assisted by Sri Nishant Shukla, learned counsel for review applicant – State and Sri Mohd. Arif Khan, learned Senior Counsel assisted by Sri Shadab Khan, learned counsel for the respondent.

2. Present review application has been filed under Rule 12 Chapter V of Allahabad High Court Rules, 1952 seeking review of the judgment and order dated 20.08.2025 passed in Writ-C No.3000065 of 1997; Smt. Afsar Jahan Vs. State of U.P. and others on the following grounds:

> *"I. Because the respondents-petitioners had the remedy to prefer appeal under Section 13 of the Act, which was by-passed without any cogent reasons.*
> *II. Because the Uttar Pradesh Imposition of Ceiling on Lands Holdings Act, 1960 is a Special Enactment and overrides the provisions of the Uttar Pradesh Muslim Waqf Act, 1960, hence, there was no requirement to issue notice to the Board in the given circumstance.*
>
> *III. Because there was nothing in the procedure laid down in the Civil Procedure Code which required a notice to be given to the board in a case in which there was a contention relating to woof property. Such a provision was to be found only in the Uttar Pradesh Muslim wants Act, 1960, which was not made applicable to the cases arising*

under the Act by providing specifically or impliedly for such an application of the said Act.

IV. Because Para 31(2) of the UP Act no. 20 of 1976 deals with a situation where "an order determining the surplus land in relation to a tenure-holder has been made under the Principal Act before 17.01.1975 and the Prescribed Authority is required to redetermine the surplus land..... only in those cases, the pending appeals under Section 13 of the Act are deemed abated, but in the present case, the order. dated 31.12.1974 determining the surplus land has already been made and there was requirement to re-determine the surplus land, hence, the order dated 31.12.1974 as well as appellate order, both are just and sustainable in the eyes of law.

V. Because the land-in-question was not a waqf property prior to 01.05.1959 and hence, the case of the respondents-petitioners does not fall within certain conditions given under the provisions contained under Section 6(f) of the Act, so as to gain the benefit of the Act, 1960.

VI. Because the orders under challenge in the present writ petition, have been passed after affording due opportunity of hearing to the parties concerned and also, after duly adhering the applicable rules and laws.

VII. Because as per the provisions contained under Section 6 and 7 of the Act, the provisions of the Act (being the special act) will have overriding effect over the other general civil laws.

VIII. Because the provisions of UP Act No. 20 of 1976 have been wrongly construed by this Hon'ble Court, which is evident from paragraphs 17 and 18 of the impugned Judgment and Order dated 20.08.2025, resulting in findings, which are not sustainable in the eyes of law.

IX. Because in catena of judgments, the Hori'ble Supreme Court as well as various Hon'ble High Courts have held that when a statutory forum is created by law for redressal of grievances, a writ petition should not be entertained ignoring the statutory dispensation.

X. Because, on the basis of above mentioned facts and circumstance impugned Judgment and Order dated: 20.08.2025 passed by this Hon'ble Court in Writ-C No. 3000065 of 1997 titled as "Snt. Afsar Jahan Versus State of UP arıd others" is required to be reviewed.

XI. Because, the Judgment and order under review will also affect the merit of the case and as such the same is liable to be reviewed."

3. Submission of learned Additional Advocate General for the review applicant is that the delay in filing the present Review application is

neither deliberate nor intentional, but has occurred due to *bona fide* administrative procedures involved in obtaining legal opinions and requisite approval from the competent authorities of the State Government. The chronology of official correspondence demonstrates that the matter was continuously pursued by the concerned authorities and there was no wilful negligence or inaction on their part.

4. It is contended that the review applicant, immediately after the judgment dated 20.08.2025, initiated the process of examining the feasibility of challenging the same. However, divergent legal opinions were received regarding the appropriate remedy, necessitating further consultation with the learned Chief Standing Counsel and other legal authorities. Ultimately, upon receipt of the opinion dated 21.01.2026, the decision to file the review application was taken and requisite permission was granted on 30.01.2026. Thereafter, necessary documents were forwarded for filing the review application.

5. Learned Additional Advocate General submits that the delay occasioned on account of inter-departmental correspondence, examination of records, obtaining legal opinion and administrative sanction constitutes sufficient cause within the meaning of limitation law. The State, being an institutional litigant, is required to follow prescribed administrative procedures before initiating legal proceedings, and such procedural time cannot, in the facts of the present case, be treated as deliberate or culpable negligence.

6. It is further submitted that the expression "sufficient cause" deserves a liberal and justice-oriented interpretation so that substantial justice is not defeated on technical grounds.

7. It is lastly submitted that the explanation furnished by the review applicant is *bona fide*, supported by contemporaneous official correspondence and establishes sufficient cause for the delay. Accordingly, the learned Additional Advocate General prays that the delay in filing the review application be condoned and the matter be

considered on merits rather than being rejected on technical grounds of limitation.

8. Learned Additional Advocate General appearing for the review applicant further submits that the judgment and order dated 20.08.2025 passed in Writ-C No. 3000065 of 1997 suffers from errors apparent on the face of the record, inasmuch as this Hon'ble Court, while allowing the writ petition, failed to consider the relevant statutory provisions of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, the material documentary evidence available on record and the legal objections specifically raised by the review applicant in its counter affidavit.

9. It is contended that the land in dispute was subjected to ceiling proceedings, wherein the Prescribed Authority, vide order dated 31.12.1974, determined 278 Bighas 16 Biswas 15 Biswansi as surplus land of Sri Yawar Hussain Khan. The said determination was also subjected to statutory appellate proceedings and the appeal was dismissed by the Civil Judge, Faizabad, vide order dated 23.04.1976. Thus, the subsequent proceedings initiated through notices dated 20.12.1996 and 16.01.1997 were merely for taking possession of the surplus land already determined under the ceiling proceedings and did not involve any fresh determination or re-determination of surplus land.

10. Learned Additional Advocate General submits that this Hon'ble Court, while passing the impugned judgment, failed to appreciate the correct scope and applicability of paragraph 31(2) of the U.P. Imposition of Ceiling on Land Holdings (Amendment) Act, 1976, being U.P. Act No. 20 of 1976. The said provision contemplates re-determination of surplus land in the circumstances specified therein. However, in the present case, the determination of surplus land had already been made by the Prescribed Authority vide order dated 31.12.1974 and the subsequent proceedings were only consequential proceedings for implementation of the said determination. The failure to distinguish between re-determination of surplus land and implementation of an already

concluded determination has materially affected the findings recorded in the judgment under review.

11. It is further submitted that the provisions of the Ceiling Act, being a special enactment, were required to be considered in their proper perspective. This Hon'ble Court also failed to appreciate that the ceiling proceedings were undertaken in accordance with the statutory provisions governing the determination of surplus land and that the provisions of Sections 6 and 7 of the Act were relevant for deciding the controversy. The statutory scheme could not have been overlooked while examining the legality of the consequential proceedings.

12. Learned Additional Advocate General further submits that the claim of the writ petitioners regarding exemption of the land under Section 6(f) of the Ceiling Act was not supported by legally sufficient documentary evidence establishing that the land in question was held by or under a public religious or charitable Waqf before 01.05.1959 and that its income was wholly utilised for religious or charitable purposes. The application for registration of the Waqf was submitted on 22.11.1959, whereas the certificate under Section 29 of the U.P. Muslim Waqfs Act was issued only on 23.03.1973. These material circumstances, together with the documents relating to the ownership of the land executed on 08.02.1960, required consideration while determining the applicability of the exemption claimed under Section 6(f). The relevant distinction between the alleged creation of the Waqf and the statutory requirement concerning the holding of land before the prescribed date was not adequately examined.

13. It is also submitted that the Prescribed Authority, while considering the ceiling proceedings relating to different villages, had separately examined the claim of Waqf and accepted the exemption in respect of land situated in village Poorey Lal Khan by order dated 30.06.1962, but did not accept the same claim in respect of the remaining villages. The said distinction was material and required independent consideration. The finding recorded in respect of one village

could not automatically be extended to other villages without examining the relevant evidence and statutory requirements applicable to the respective holdings.

14. Learned Additional Advocate General contends that the impugned judgment also failed to consider that the respondents-writ petitioners had an efficacious statutory remedy of appeal under Section 13 of the Ceiling Act against the orders passed by the Prescribed Authority. They approached this Hon'ble Court after an unexplained delay of approximately 21 years from the appellate order dated 23.04.1976, without establishing any legally sustainable justification for bypassing the statutory remedy. The issue of availability of an alternative remedy and the unexplained delay and laches were material legal objections which required consideration before granting discretionary relief under Article 226 of the Constitution of India.

15. In this regard, reliance is placed upon the judgment of the Hon'ble Supreme Court in the case of **Nivedita Sharma v. Cellular Operators Association of India and others, reported in (2011) 14 SCC 337**, wherein it has been reiterated that ordinarily, where a statute provides an effective mechanism for redressal of grievances, the aggrieved party should avail such statutory remedy instead of bypassing the prescribed procedure by directly invoking the writ jurisdiction. The exceptions to this rule are also recognised; however, the circumstances justifying departure from the ordinary rule were required to be examined in the present case.

16. It is further submitted that the impugned judgment failed to appreciate that the Shia Central Board of Waqf had instituted Regular Suit No. 60 of 1980, which was decreed on 08.05.1990, and the appeal preferred by the State Government was also dismissed. The effect and scope of the aforesaid civil court proceedings, particularly in relation to the statutory ceiling proceedings and the land declared surplus, were required to be examined independently. The mere existence of proceedings relating to the Waqf property could not dispense with the

necessity of examining the applicability of the Ceiling Act and the statutory exemption claimed thereunder.

17. Learned Additional Advocate General submits that the notices dated 20.12.1996 and 16.01.1997 were issued only for taking possession of the land already declared surplus under the order dated 31.12.1974, which had attained finality after dismissal of the statutory appeal. The impugned judgment, without properly examining the nature and object of the subsequent proceedings, proceeded to quash the orders passed by the Prescribed Authority and the appellate authority, thereby materially affecting the statutory determination of surplus land.

18. It is lastly contended that the aforesaid statutory provisions, material documents and legal objections, which were specifically brought to the notice of this Hon'ble Court through the counter affidavit filed on behalf of the review applicants, have not received due consideration in the judgment under review. The omission to consider material statutory provisions and the legal effect of the earlier proceedings has resulted in findings which warrant reconsideration within the scope of the review jurisdiction. The review applicant is, therefore, not seeking a mere rehearing of the matter or reconsideration of the entire evidence, but seeks correction of the apparent errors and material omissions which have affected the ultimate decision.

19. In view of the aforesaid facts and legal submissions, learned Additional Advocate General submits that the judgment and order dated 20.08.2025 cannot be sustained in law, as the same has been rendered without proper consideration of the relevant statutory provisions, the earlier determination of surplus land, the applicability of Section 6(f) and paragraph 31(2) of the Amendment Act, 1976, and the objections relating to alternative statutory remedy and delay and laches.

20. Accordingly, learned Additional Advocate General prays that the Review Application be allowed, the judgment and order dated 20.08.2025 passed by this Hon'ble Court in Writ-C No. 3000065 of 1997 (Smt. Afsar Jahan and another v. State of U.P. and others) be recalled and

quashed and the writ petition be dismissed, thereby restoring the orders dated 08.04.1997, 31.12.1974 and 23.04.1976 passed by the competent authorities. In support of his submissions, he placed reliance upon following judgments:

a) Shia Central Board of Waqf Vs. State of U.P. and others; 1980 Law Suit (All) 324.

b) Mohd. Jahan Begun & Anr. Vs. Board of Revenue, U.P. Allahabad and Ors.; 2016 LawSuit (All) 2979.

21. Per contra, learned Senior Counsel for the opposite party raises a preliminary objection regarding maintainability of the Review Application and submits that the same has been filed after considerable delay, without furnishing any legally acceptable or sufficient explanation for the period of delay. The administrative correspondence and procedural formalities relied upon by the review applicant cannot, by themselves, constitute sufficient cause, particularly when the judgment under review was passed on 20.08.2025 and the review applicant was fully aware of the proceedings and the relevant facts. The review applicant cannot seek to reopen concluded proceedings merely on account of its internal administrative difficulties.

22. It is further submitted that the scope of review jurisdiction is extremely limited and cannot be equated with appellate jurisdiction. A review is maintainable only where an error apparent on the face of the record or any other ground recognised under Order XLVII Rule 1 of the Code of Civil Procedure is established. The review applicant is, in substance, seeking a fresh hearing and reconsideration of the findings already recorded by this Hon'ble Court, which is impermissible in the exercise of review jurisdiction.

23. On merits, learned Senior Counsel submits that the controversy regarding the nature and character of the land as Waqf property had already been examined in the earlier proceedings. The Prescribed Authority, vide order dated 30.06.1962, had accepted the claim of Waqf in respect of land situated in village Poorey Lal Khan, holding that the

oral Waqf had been created by Raja Yasin Ali Khan in 1936 and that the income derived from the land was utilised for religious and charitable purposes. Therefore, the review applicant cannot rely merely upon the subsequent registration of the Waqf to dispute its earlier creation, particularly when registration and creation of a Waqf are distinct matters.

24. It is contended that the mere fact that the application for registration of Waqf was submitted on 22.11.1959 and the registration certificate was issued on 23.03.1973 does not establish that the Waqf itself came into existence after 01.05.1959. The review applicant has failed to appreciate the distinction between the creation of a Waqf and its subsequent registration. The existence of an earlier oral dedication cannot be negated merely because its formal registration was completed subsequently.

25. Learned Senior Counsel further submits that the reliance placed by the review applicant upon paragraph 31(2) of the U.P. Imposition of Ceiling on Land Holdings (Amendment) Act, 1976, is misconceived. The statutory provision has to be interpreted in the context of the legislative scheme and the effect of the amendments upon pending ceiling proceedings. The review applicant cannot contend that the earlier order dated 31.12.1974 had attained absolute finality so as to exclude examination of the subsequent proceedings, particularly when the controversy regarding the exemption of Waqf property and the legality of taking possession remained the subject matter of adjudication.

26. It is further submitted that the order dated 31.12.1974 and the appellate order dated 23.04.1976 could not be treated as conclusive against the respondents without examining the effect of the subsequent proceedings and the decree passed by the competent civil court. The Shia Central Board of Waqf had instituted Regular Suit No. 60 of 1980, which was decreed on 08.05.1990 and the appeal preferred by the State Government was also dismissed. Thus, the rights and character of the property as Waqf property had received consideration in the civil

proceedings and the review applicant cannot seek to disregard the legal consequences of the said adjudication.

27. Learned Senior Counsel submits that the Ceiling Act and the provisions relating to Waqf property were required to be harmoniously construed. Merely describing the Ceiling Act as a special enactment does not automatically render the adjudication and findings of the competent civil court irrelevant. The review applicant has not demonstrated any apparent error in the judgment under review on this aspect, but is merely attempting to re-agitate issues which were already considered while deciding the writ petition.

28. It is also contended that the objection regarding availability of an alternative remedy under Section 13 of the Ceiling Act does not constitute a ground for review. The jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India is not ousted merely because an alternative statutory remedy is available. The rule of alternative remedy is a rule of self-imposed restraint and not an absolute bar. The judgment in the case of **Nivedita Sharma v. Cellular Operators Association of India and others, reported in (2011) 14 SCC 337**, relied upon by the review applicant, itself recognises exceptions to the rule of alternative remedy, particularly in cases involving violation of principles of natural justice or other exceptional circumstances.

29. Learned Senior Counsel further submits that the objection regarding delay and laches of approximately 21 years in filing the original writ petition cannot be reopened through the present Review Application. The said issue relates to the merits and maintainability of the original writ proceedings and, having culminated in a final judgment, cannot be reconsidered in review unless an apparent error is specifically demonstrated. The review applicant has failed to establish that any such error exists in the judgment dated 20.08.2025.

30. It is lastly submitted that the review applicant has not pointed out any error apparent on the face of the record, discovery of any new and

important matter or evidence which, despite due diligence, was not within its knowledge, or any other sufficient ground falling within the ambit of Order XLVII Rule 1 CPC. The grounds raised in the Review Application essentially seek reappreciation of the material already available on record and substitution of the findings recorded by this Hon'ble Court with those desired by the review applicant. Such an exercise would amount to impermissible rehearing of the writ petition.

31. Accordingly, learned Senior Counsel submits that neither the delay in filing the Review Application deserves to be condoned nor has the review applicant established any ground warranting exercise of the limited review jurisdiction of this Hon'ble Court. The judgment and order dated 20.08.2025 is based upon consideration of the material and circumstances of the case and does not suffer from any error apparent on the face of the record. In support of his submissions, he placed reliance upon following judgments:

a) Parsion Devi and others Vs. Sumitri Devi and others; (1997) 8 SCC 715.

b) Shiv Ganesh and others Vs. State of U.P. and others; 2005 All C.J. 2307.

c) Meera Bhanja Vs. Nirmala Kumari Choudhury (Smt); (1995) 1 SCC 170.

32. I have considered the submissions advanced by learned counsel for the parties and perused the material on record.

33. To resolve the controversy involved in the matter, relevant portion of the judgments relied upon by learned counsel for the parties are being quoted below:

<u>Judgments relied upon by learned counsel for review applicant:</u>

a) Nivedita Sharma (Supra):

> ***"****11. We have considered the respective arguments/submissions. There cannot be any dispute that the power of the High Courts to issue directions, orders or writs including writs in the nature of habeas corpus, certiorari, mandamus, quo warranto and prohibition*

under Article 226 of the Constitution is a basic feature of the Constitution and cannot be curtailed by parliamentary legislation—L. Chandra Kumar v. Union of India [(1997) 3 SCC 261 : 1997 SCC (L&S) 577] . However, it is one thing to say that in exercise of the power vested in it under Article 226 of the Constitution, the High Court can entertain a writ petition against any order passed by or action taken by the State and/or its agency/instrumentality or any public authority or order passed by a quasi-judicial body/authority, and it is an altogether different thing to say that each and every petition filed under Article 226 of the Constitution must be entertained by the High Court as a matter of course ignoring the fact that the aggrieved person has an effective alternative remedy. Rather, it is settled law that when a statutory forum is created by law for redressal of grievances, a writ petition should not be entertained ignoring the statutory dispensation.

26. We also find that the High Court has taken cognizance of the statement made on behalf of the counsel for the petitioners that their clients would challenge Clause (iii) of para 38 of the State Commission's order by filing an appeal under Section 19 of the Act and the fact that one of the aggrieved parties, namely, American Express Bank Ltd. has already filed an appeal questioning para 38(iii) of the order of the State Commission. After having noticed that some of the petitioners were inclined to avail the remedy of appeal against the particular portion of the order passed by the State Commission, the High Court should not have entertained the writ petition filed under Article 226 of the Constitution and the miscellaneous petitions filed under Article 227 of the Constitution and directed them to avail remedy of appeal under Section 19 of the 1986 Act. The appeal is accordingly allowed and the impugned order [Cellular Operators Assn. of India v. Nivedita Sharma, (2010) 166 DLT 558] is set aside."

b) Shia Central Board of Waqf (Supra):

"2. The first contention raised on behalf of the petitioner is that the proceedings before the Prescribed Authority were bad for want of notice to the Shia. Board under Section 66(1) of the U.P. Muslim Waqfs Act, 1960 (hereafter referred to as the Waqf Act) which reads as follows:

"66(1) Notice of suits, etc. by courts—In every suit or proceeding relating to the title to Waqf property or the right of a Mutawalli, the court shall issue notice-to the Board at the cost of the party instituting such suit or proceeding."

(Emphasis supplied).

5. According to the petitioner, the respondent No. 4 himself was the Mutawalli under the Waqf. He did receive notice and adduced evidence before the authorities. In spite of his being Mutawalli, he never took any steps for

mutation in favour of the Waqf, in the revenue records right from 1959 to 1973. Even according to the petitioner the first application given by the predecessor of respondent No. 4 to the petitioner Board was dated 22-11-1959. Even this date was subsequent to the date mentioned in Section 6(1)(f) of the Ceiling Act. There is no averment even in the writ petition that the land was held by a public religious or charitable Waqf from before 1-5-1959, the date relevant under the said clause (f).

5. The two authorities have after consideration of the evidence recorded concurrent finding negativing the alleged oral Waqf. This finding has not been shown to suffer from any patent error and does not, therefore, call for interference by this Court under Article 226 of the Constitution."

c) Mohd. Jahan Begun & Anr. (Supra):

"5. The writ jurisdiction exercised under Article 226 of the Constitution of India is an extraordinary discretionary jurisdiction bestowed on the High Courts. By virtue of section 141 C.P.C. the provisions of Code of Civil Procedure do not apply to such proceeding, therefore, the provision for review as prescribed under Order XLVII, Rule 1 of the said Code, stricto sensu, does not apply to writ proceedings. There is no dearth of decisions to the effect that such powers of review are exercised by this Court in exercise of its inherent plenary powers to do complete justice for which no specific provision is required. It is also very well settled that in view of explanation to section 141 C.P.C. the Code does not apply to writ proceedings. Nevertheless the exercise of such power can be guided by the Principles contained therein. Reference may be made in this regard to the constitution Bench judgment of the Supreme Court in the case of Shivdeo Singh v. State of Purjab1, wherein it was held that "it is sufficient to say that there is nothing under Article 226 of thr Constitution to preclude a High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it".

11. The Allahabad High Court Rules, 1952 do not contain any substantive provision for review of a judgment passed under Article 226 of the Constitution of India nor do they prescribe any limitation for exercise of the inherent power of review, nay, it could not have. The only provision is contained in Chapter V of Part 1 which is titled "JURISDICTION OF JUDGES SITTING ALONE OR IN DIVISION COURTS" and Rule 12 thereto merely prescribes the procedure as to how an application for review of a judgment shall be presented before the Registrar, who after doing the needful as per the said Rule. On bare perusal of the said Rule the Court finds that it is not a substantive provision prescribing for a review of judgment as aforesaid. Though it states that the Registrar shall present the same before the judge by whom such

judgment was delivered along with an office report as to the limitation and sufficiency of Court fees it does not mean that a limitation has been prescribed for review of a judgment rendered under Article 226 of the Constitution of India. Chapters XXI and XXII of Part IV of the Rules of the High Court relate to enforcement of fundamental rights (writ in the nature of Habeas Corpus and direction or writ under Article 226 of the Constitution of India other than a writ in the nature of Habeas Corpus). None of the Rules therein contain a substantive provision for reviewing a judgment passed under Article 226 of the Constitution of India or a limitation for the same.

12. As has already been stated herein above, the power to review its judgment inheres in this Court as it exercises plenary jurisdiction to do complete justice and prevent its miscarriage. As there is no limitation prescribed for exercise of inherent power, therefore, it would be wrong to hold that limitation prescribed under Article 124 of the Schedule to the Limitation Act would govern the proceedings in question. Thus Article 124 of Limitation Act, 1963 is not attracted to a Review Petition seeking review of a judgment rendered under Article 226 of the Constitution of India. Having said so, the Court can not be unmindful of the legal position that whenever no such limitation is prescribed the action should be taken within a reasonable period. The reasonableness of a period would depend upon the facts and circumstances of each case and no hard and fast Rule can be laid down in this regard.

13. In this case the office/registry though it appears to have calculated the limitation, based on the provision contained under Article 124 of the Limitation Act, which was not applicable, made an endorsement that the Review Petition was within time.

14. In view of the above, the preliminary objection raised by the learned Senior Counsel appearing for the opposite parties that there is no power of review vested in the Court for review of the judgment in question or that it was barred by limitation is hereby rejected. In view of the aforesaid, the requirement of filing of an application under section 5 of the Limitation Act, 1963 also does not arise though this Court must hasten to add that an explanation for a delay specially when it is inordinate and prejudicial to other side ought to be offered and can be called for by the Court. In the present case, the judgment was delivered on 27.4.2010. The certified copy of the corrected judgment was issued on 10.8.2010 after correction having been made on 17.5.2000. The review application was filed on 11.8.2010 in the Court. Thus, the review application was not filed with inordinate delay. In fact in para 34 a specific plea was raised that there is no limitation for the filing of a writ petition and there is also no limitation for the filing of a review application. Thus, even on the basis of reasonableness of period, considering the facts of the case, the application for review is not liable to be thrown out, as, it was filed within a reasonable period of judgment passed by the Writ Court."

Judgments relied upon by learned counsel for the respondent:

a) Parsion Devi and others (Supra):

> *"7. It is well settled that review proceedings have to be strictly confined to the ambit and scope of Order 47 Rule 1 CPC. In Thungabhadra Industries Ltd. v. Govt. of A.P. [AIR 1964 SC 1372 : (1964) 5 SCR 174] (SCR at p. 186) this Court opined:*
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> *"What, however, we are now concerned with is whether the statement in the order of September 1959 that the case did not involve any substantial question of law is an 'error apparent on the face of the record'). The fact that on the earlier occasion the Court held on an identical state of facts that a substantial question of law arose would not per se be conclusive, for the earlier order itself might be erroneous. Similarly, even if the statement was wrong, it would not follow that it was an 'error apparent on the face of the record', for there is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterised as vitiated by 'error apparent'. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error."*
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> *(emphasis ours)*
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> *8. Again, in Meera Bhanja v. Nirmala Kumari Choudhury [(1995) 1 SCC 170] while quoting with approval a passage from Aribam Tuleshwar Sharma v. Aribam Pishak Sharma [(1979) 4 SCC 389] this Court once again held that review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.*
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> *9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. 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 the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has a limited purpose and cannot be allowed to be "an appeal in disguise.*
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> *10. Considered in the light of this settled position we find that Sharma, J. clearly overstepped the jurisdiction vested in the Court under Order 47 Rule 1 CPC. The observations of Sharma, J. that "accordingly, the order in question is reviewed and it is held that the decree in question was of composite nature wherein both mandatory and prohibitory injunctions were provided" and as such the case was covered by Article 182 and not Article 181 cannot be said to fall within the scope of Order 47 Rule 1 CPC. There is a clear distinction between an erroneous*

decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the latter only can be corrected by exercise of the review jurisdiction. While passing the impugned order, Sharma, J. found the order in Civil Revision dated 25-4-1989 as an erroneous decision, though without saying so in so many words. Indeed, while passing the impugned order Sharma, J. did record that there was a mistake or an error apparent on the face of the record which was not of such a nature, "which had to be detected by a long-drawn process of reasons" and proceeded to set at naught the order of Gupta, J. However, mechanical use of statutorily sanctified phrases cannot detract from the real import of the order passed in exercise of the review jurisdiction. Recourse to review petition in the facts and circumstances of the case was not permissible. The aggrieved judgment-debtors could have approached the higher forum through appropriate proceedings to assail the order of Gupta, J. and get it set aside but it was not open to them to seek a "review" of the order of Gupta, J. on the grounds detailed in the review petition. In this view of the matter, we are of the opinion that the impugned order of Sharma, J. cannot be sustained and we accordingly accept this appeal and set aside the impugned order dated 6-3-1997."

b) Shiv Ganesh and others (Supra):

"12. Even on merits the applicants have failed to make out any case for reviewing the judgment. The scope of a review petition has been explained by the Hon'ble Apex Court in several decisions. Reference may be made to the case of Meera Bhanja (Smt.) v. Nirmala Kumar Chaudhury (Smt.) re-ported in (1995) 1 SCC 170 wherein it has been observed as follows.

"It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1 CPC. In connection with the limitation of the pow-ers of the Court under Order 47, Rule 1 while dealing with similar jurisdiction available to the High Court while seeking review of the orders under Article 226 of the Constitution of India, this Court, in the case of Aribam Tuleshwar Sharma v. Aribam Pishak Sharma, speaking through Chinnappa Reddy, J., has made the fol-lowing pertinent observations (SCC p. 390, para 3).

"It is true as observed by this Court in Shivdeo Singh v. State of Punjab, there is nothing in Article 226 of the Constitu-tion to preclude the High Court from exercising the power of review which is inherent in every Court of plenary juris-diction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made;

it may be exercised where some mistake or error apparent on the face of the record is found; that may also be exercised on any analogous ground. But it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a Court of appeal. A power of review is not to be confused with appellate power which may enable an appellate Court to correct all manner of errors committed by the subordinate Court."

Order 47 Rules 1 C.P.C. providing for review reads as under.

1. Application for review of judgment 80 (1) Any person considering himself aggrieve- b

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed or

(c) by a decision on a reference from a Court of Small Causes, and who from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order,"

13. A bare perusal of the aforesaid provision make it clear that review petition can be field on discovery of new important matter or evidence which even after the exercise of due diligence was not within his knowledge or would not be produced at the time when the decree or order was passed on account of some mistake or error apparent on the face of record or for any other sufficient reason.

14. Thus power of review is not to be confused with the power of appeal. The power of review cannot be exercised on the ground that decision is incorrect or erroneous on merits as the same lies within the ambit of a higher Court having an appellate power which is in a position to correct the error committed by the sub-ordinate Courts by virtue of power of appeal conferred on the said court by some statute."

c) Meera Bhanja (Supra):

"8. It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1, CPC. In connection with the limitation of the powers of the court under Order 47, Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution of India, this Court, in the case of Aribam Tuleshwar

Sharma v. Aribam Pishak Sharma [(1979) 4 SCC 389 : AIR 1979 SC 1047] , speaking through Chinnappa Reddy, J., has made the following pertinent observations: (SCC p. 390, para 3)

"It is true as observed by this Court in Shivdeo Singh v. State of Punjab [AIR 1963 SC 1909] , there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court."

9. Now it is also to be kept in view that in the impugned judgment, the Division Bench of the High Court has clearly observed that they were entertaining the review petition only on the ground of error apparent on the face of the record and not on any other ground. So far as that aspect is concerned, it has to be kept in view that an error apparent on the face of record must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on points where there may conceivably be two opinions. We may usefully refer to the observations of this Court in the case of Satyanarayan Laxminarayan Hegde v. Mallikarjun Bhavanappa Tirumale [AIR 1960 SC 137 : (1960) 1 SCR 890] wherein, K.C. Das Gupta, J., speaking for the Court has made the following observations in connection with an error apparent on the face of the record:

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. Where an alleged error is far from self-evident and if it can be established, it has to be established, by lengthy and complicated arguments, such an error cannot be cured by a writ of certiorari according to the rule governing the powers of the superior court to issue such a writ.

15. In our view the aforesaid approach of the Division Bench dealing with the review proceedings clearly shows that it has overstepped its jurisdiction under Order 47, Rule 1 CPC by merely styling the reasoning adopted by

the earlier Division Bench as suffering from a patent error. It would not become a patent error or error apparent in view of the settled legal position indicated by us earlier. In substance, the Review Bench has reappreciated the entire evidence, sat almost as court of appeal and has reversed the findings reached by the earlier Division Bench. Even if the earlier Division Bench's findings regarding C.S. Plot No. 74 were found to be erroneous, it would be no ground for reviewing the same, as that would be the function of an appellate court. Learned counsel for the respondent was not in a position to point out how the reasoning adopted and conclusion reached by the Review Bench can be supported within the narrow and limited scope of Order 47, Rule 1 CPC. Right or wrong, the earlier Division Bench judgment had become final so far as the High Court was concerned. It could not have been reviewed by reconsidering the entire evidence with a view to finding out the alleged apparent error for justifying the invocation of review powers. Only on that short ground, therefore, this appeal is required to be allowed. The final decision dated 8-7-1986 of the Division Bench dismissing the appeal from Appellate Decree No. 569 of 1973 insofar as C.S. Plot No. 74 is concerned as well as the review judgment dated 5-9-1984 in connection with the very same plot, i.e., C.S. Plot No. 74, are set aside and the earlier judgment of the High Court dated 3-8-1978 allowing the second appeal regarding suit Plot No. 74 is restored. The appeal is accordingly allowed. In the facts and circumstances of the case, there will be no order as to costs."

34. The operative portion of the judgment and order dated 20.08.2025 is also being extracted below:

"17. On perusal of the above-extracted, it is crystal clear that where an order determining surplus land in relation to a tenure-holder has been made under the principal Act before 10.10.1975, the prescribed authority may, at any time within a period of two years from the said date, redetermine the surplus land in accordance with the principal Act as amended by Act No. 20 of 1976, at any time within a period of two years from the said date.

18. In the present case, during pendency of appeal before the District Judge, Faizabad, U.P. Imposition of Ceiling on Land Holdings (Amendment) Act, 1976 i.e. U.P. Act No.20 of 1976 came into force and as per the above-extracted provisions, the entire proceedings pending including the appeals had to abate and the the Prescribed Authority was empowered to issue a fresh notice for determination of the surplus area of a tenure holder only within a period of 2 years from 10.10.1975, but no notice was ever issued either to Shia Central Waqf Board or to Yawar Husain or to the petitioner and in this view of the matter, notice issued on 20.12.1996 (Annexure-8) and 16.1.1997 (Annexure-9) are illegal and

without jurisdiction and order passed by the Prescribed Authority in regard to taking possession over the surplus land is contrary to the provisions of the Act.

19. It is also pertinent of the mention that the State of U.P. filed an appeal (Civil No.60 of 1990) before the District Judge, Faizabad against the order dated 8.5.1990 vide which IInd Additional Civil Judge, Faizabad held that the land in suit was waqf property and the possession could not be disturbed in pursuance to the judgment dated 31.12.1974 passed by the Prescribed Authority, which was dismissed vide judgment dated 30.11.1996. Thereafter, no second appeal was filed against the order dated 30.11.1996 and the said order became final. 20. Considering in totalities of facts and circumstances of this case, order dated 8.4.1997 as annexed as Annexure-1, order dated 31.12.1974 passed by the Prescribed Authority and order dated 23.4.1976 passed in appeal are hereby quashed.

21. In the result, this writ petition succeeds and is allowed."

35. At the outset, it would be appropriate to observe that the jurisdiction of this Court to review a judgment rendered in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India is well recognised. However, such jurisdiction is inherently limited and is not intended to provide an opportunity to a litigating party to seek rehearing of the entire controversy or to secure a different conclusion merely because another view of the matter may be possible. The power of review is exercised to prevent miscarriage of justice and to correct a grave and palpable error apparent on the face of the record, but the same cannot be converted into appellate jurisdiction.

36. In the present case, the principal grievance of the review applicant is that this Court, while deciding Writ-C No. 3000065 of 1997 vide judgment and order dated 20.08.2025, failed to properly appreciate the provisions of the Uttar Pradesh Imposition of Ceiling on Land Holdings Act, 1960, particularly Section 6(f) thereof and paragraph 31(2) of the U.P. Imposition of Ceiling on Land Holdings (Amendment) Act, 1976, as well as the effect of the earlier ceiling proceedings culminating in the order dated 31.12.1974 and the appellate order dated 23.04.1976. It is also contended that the writ petition ought not to have been entertained in view of the availability of the alternative statutory remedy under

Section 13 of the Ceiling Act and the alleged delay of approximately 21 years in approaching this Court.

37. Before examining the aforesaid submissions on merits, it is necessary to consider the objection raised by learned Senior Counsel appearing for the opposite parties regarding the delay in filing the review application. Learned Additional Advocate General has submitted that the delay occasioned in filing the review application was attributable to administrative correspondence, obtaining legal opinions from the competent authorities and securing requisite approval from the State Government. It is contended that the matter was continuously pursued and, upon receipt of the legal opinion dated 21.01.2026, permission to institute the review application was granted on 30.01.2026.

38. There can be no quarrel with the proposition that while considering the explanation furnished by the State, the Court may take into account the institutional and administrative procedures involved in taking a decision to initiate legal proceedings. However, the status of the litigant as a State authority does not confer any automatic entitlement to condonation of delay, nor can administrative correspondence, by itself, be treated as sufficient cause in every case. The explanation must demonstrate that the delay was occasioned despite reasonable diligence and that the applicant was not guilty of avoidable inaction.

39. In the present case, the judgment under review was delivered on 20.08.2025, whereas the decision to institute the review application was taken only after the receipt of the legal opinion dated 21.01.2026 and approval dated 30.01.2026. The review applicant has relied upon the sequence of administrative correspondence to explain the intervening period. However, the explanation furnished does not, by itself, establish that every period of delay was unavoidable or that the review applicant was prevented by circumstances beyond its control from approaching this Court earlier.

40. At the same time, it is equally necessary to bear in mind that review jurisdiction is not governed merely by a mechanical computation

of limitation in the absence of a prescribed period applicable to such proceedings. In this regard, the judgment relied upon by the review applicant in the case of **Mohd. Jahan Begum and another (Supra)**, recognises that the review jurisdiction of this Court in proceedings under Article 226 of the Constitution is inherent and that the reasonableness of the period within which such jurisdiction is invoked has to be examined in the facts and circumstances of each case. The said judgment, however, does not lay down that every explanation based upon administrative procedures must necessarily be accepted. In the present matter, the question of delay cannot be considered in isolation from the substantive requirement of demonstrating a legally sustainable ground for review.

41. Consequently, even assuming that the explanation furnished by the review applicant is sufficient to explain the time taken in obtaining administrative approval, such condonation would not, by itself, entitle the review applicant to succeed on merits. The review application must independently satisfy the settled requirements governing the exercise of review jurisdiction.

42. Coming to the principal ground of challenge, it is evident that the review applicant seeks reconsideration of the interpretation placed by this Court upon paragraph 31(2) of the U.P. Imposition of Ceiling on Land Holdings (Amendment) Act, 1976. The submission of learned Additional Advocate General is that the order dated 31.12.1974 had already determined the surplus land of Sri Yawar Hussain Khan to the extent of 278 Bighas 16 Biswas 15 Biswansi and that the subsequent proceedings initiated through notices dated 20.12.1996 and 16.01.1997 were merely consequential proceedings for taking possession of the land already declared surplus. According to him, no question of fresh determination or redetermination of surplus land arose, and, therefore, the provisions of paragraph 31(2) of the Amendment Act, 1976 could not have been invoked to invalidate the subsequent proceedings.

43. The aforesaid submission has been considered in the light of the findings recorded in paragraphs 17 and 18 of the judgment under review.

This Court, while examining the statutory amendment, took note of the legislative consequence flowing from the amendment and the requirement of redetermination of surplus land in the circumstances contemplated therein. It was specifically noticed that the appeal arising out of the order dated 31.12.1974 was pending when the U.P. Act No.20 of 1976 came into force and that the statutory consequences prescribed under the amended provisions were required to be given effect to.

44. The contention that the proceedings initiated in 1996-1997 were merely for implementation of an earlier determination, rather than for redetermination of surplus land, essentially invites this Court to undertake a fresh examination of the statutory scheme, the nature of the earlier proceedings and the legal consequences of the amendment. Such an exercise would necessarily involve interpretation of the relevant provisions and reconsideration of the conclusions already arrived at in the judgment under review. Merely because the review applicant proposes a different interpretation of the statutory provision does not establish an error apparent on the face of the record.

45. It is also significant that the review applicant has not demonstrated that the statutory provision relied upon was wholly overlooked or that its application in the judgment under review suffers from an error so manifest that it can be corrected without entering into a detailed process of reasoning. The disagreement expressed by the review applicant with the interpretation adopted by this Court cannot be treated as a ground for reopening the concluded proceedings.

46. The next submission of learned Additional Advocate General relates to the applicability of Section 6(f) of the Ceiling Act. It is contended that the opposite parties failed to establish that the land in question was held by or under a public religious or charitable Waqf before 01.05.1959 and that its income was wholly utilised for religious or charitable purposes. Emphasis has been placed upon the fact that the application for registration of the Waqf was submitted on 22.11.1959 and the certificate under Section 29 of the U.P. Muslim Waqfs Act, 1960 was

issued on 23.03.1973. It is, therefore, argued that the exemption claimed by the opposite parties was not legally sustainable.

47. On the other hand, learned Senior Counsel appearing for the opposite parties has submitted that the review applicant has failed to appreciate the distinction between the creation of a Waqf and its subsequent registration. It is contended that the Waqf in question had been created by way of oral dedication in the year 1936 by Raja Yasin Ali Khan and that the Prescribed Authority itself, vide order dated 30.06.1962, accepted the claim of Waqf in respect of the land situated in village Poorey Lal Khan. Therefore, the subsequent registration of the Waqf cannot be treated as the date of its creation.

48. Upon consideration of the rival submissions, this Court finds that the review applicant is essentially seeking a fresh adjudication of the factual and legal controversy relating to the creation, existence and registration of the Waqf and the applicability of the exemption under Section 6(f) of the Ceiling Act. The date of submission of the application for registration and the date of issuance of the registration certificate are circumstances which may have relevance while examining the claim of exemption; however, those dates, standing alone, do not necessarily establish that the Waqf itself came into existence after 01.05.1959.

49. The distinction between the creation of a Waqf and its subsequent registration is material. The review applicant's argument that the registration application was submitted after the prescribed date cannot, without further examination of the evidence relating to the alleged dedication and the nature of the property, automatically displace the claim of an earlier Waqf. Such an examination would involve appreciation of the material and interpretation of the statutory requirements, which is beyond the permissible scope of review unless an apparent error is demonstrated.

50. It is further relevant that the review applicant has referred to the fact that the claim of Waqf was accepted in respect of village Poorey Lal Khan but was not accepted in respect of other villages. The distinction

between the holdings situated in different villages may have evidentiary relevance; however, the review applicant has not established that the judgment under review contains an apparent error merely because the earlier proceedings treated the claim relating to different villages differently. The question whether the evidence relating to each village was sufficient to establish the exemption is essentially a matter of adjudication on merits and cannot be reopened in review by undertaking a fresh comparative assessment of the evidence.

51. The review applicant has also placed reliance upon the judgment of this Court in the case of **Shia Central Board of Waqf (Supra)**. In the said judgment, the Court considered the requirement of notice to the Board under Section 66(1) of the U.P. Muslim Waqfs Act, 1960 and also examined the claim of exemption under Section 6(1)(f) of the Ceiling Act in the factual circumstances obtaining therein. The Court noticed the absence of an averment establishing that the land was held by a public religious or charitable Waqf before 01.05.1959 and affirmed the concurrent findings of the authorities negativing the alleged oral Waqf.

52. The aforesaid judgment, however, cannot be read as laying down an inflexible proposition that every claim of an earlier oral Waqf must fail merely because the application for its registration was submitted after 01.05.1959. The factual foundation and evidence relating to the alleged creation of the Waqf are relevant considerations. The judgment relied upon by the review applicant was rendered upon its own facts and the findings recorded by the authorities in that case. It does not establish that the findings recorded in the judgment under review are vitiated by an error apparent on the face of the record.

53. The further argument that the Ceiling Act, being a special enactment, overrides the provisions of the U.P. Muslim Waqfs Act, 1960, also does not advance the case of the review applicant. Merely describing an enactment as a special statute does not, by itself, resolve every question concerning the interaction between two statutory enactments. The respective provisions have to be considered in the

context of the controversy and the statutory rights sought to be enforced. The review applicant has not demonstrated that the judgment under review has proceeded on an interpretation which is manifestly contrary to the statutory provisions. The submission, in substance, seeks reconsideration of the legal approach adopted by this Court, which cannot be undertaken in review proceedings.

54. The question of notice to the Shia Central Board of Waqf also requires consideration in this context. Learned Additional Advocate General has argued that Section 66(1) of the U.P. Muslim Waqfs Act, 1960 could not be imported into the proceedings under the Ceiling Act, as the latter is a special enactment and the provisions of the former were not expressly incorporated therein.

55. However, the review applicant has not demonstrated that the finding in the judgment under review regarding the legal effect of the proceedings relating to the Waqf property is founded upon a patent error. The mere fact that the review applicant proposes a different interpretation of the applicability of Section 66(1) does not establish an error apparent. The question whether notice to the Board was legally necessary in the particular proceedings and what consequence would follow from its non-issuance are matters involving statutory interpretation and the nature of the proceedings. They cannot be reconsidered in review merely because another view is canvassed by the applicant.

56. The review applicant has also contended that the civil court proceedings instituted by the Shia Central Board of Waqf in Regular Suit No.60 of 1980, culminating in the decree dated 08.05.1990 and dismissal of the State's appeal on 30.11.1996, could not have been treated as determinative of the legality of the ceiling proceedings. According to the review applicant, the civil court proceedings and the statutory determination under the Ceiling Act operate in distinct fields.

57. In this regard, it is necessary to notice that paragraph 19 of the judgment under review specifically refers to the civil court decree dated

08.05.1990, whereby the land in suit was held to be Waqf property and the possession thereof was held not liable to be disturbed in pursuance of the earlier ceiling judgment dated 31.12.1974. It was further noticed that the appeal preferred by the State against the said decree was dismissed on 30.11.1996 and no second appeal was preferred thereafter.

58. Thus, the effect of the civil court proceedings was not an aspect which remained wholly unnoticed by this Court. The judgment under review specifically took note of the decree and the subsequent dismissal of the State's appeal. The review applicant's attempt to contend that the said decree ought to have been given a different legal effect would require reconsideration of the implications of the civil court adjudication vis-à-vis the ceiling proceedings. Such an exercise is not permissible in the limited jurisdiction of review.

59. It is also pertinent to observe that the review applicant has not demonstrated that the civil court decree had been set aside, modified or otherwise rendered ineffective by any competent forum. In the absence of any such material, the mere assertion that the civil court adjudication should not have influenced the decision in the writ petition cannot constitute an error apparent on the face of the record.

60. The next ground raised by the review applicant is that the opposite parties had an efficacious alternative statutory remedy of appeal under Section 13 of the Ceiling Act and that the writ petition was entertained after an unexplained delay of approximately 21 years from the appellate order dated 23.04.1976. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in the case of **Nivedita Sharma (Supra).**

61. There can be no dispute with the legal proposition laid down in **Nivedita Sharma (supra)** that where a statute provides an effective mechanism for redressal of grievances, the High Court ordinarily expects the aggrieved person to avail the statutory remedy instead of invoking the extraordinary jurisdiction under Article 226 of the Constitution as a matter of course. However, the said principle is not an

absolute prohibition against entertaining a writ petition in every case where an alternative remedy exists.

62. The judgment relied upon by the review applicant itself recognises the constitutional power of the High Court under Article 226 and distinguishes between the existence of such jurisdiction and the circumstances in which it should ordinarily be exercised. The rule of alternative remedy is a rule of judicial restraint and does not operate as an absolute ouster of the jurisdiction of this Court.

63. In the present case, the review applicant has not established that the judgment under review is vitiated by an apparent error merely because the objection relating to the availability of an alternative remedy was not accepted. The issue of maintainability of the writ petition and the circumstances warranting exercise of extraordinary jurisdiction were matters pertaining to the original adjudication. A review application cannot be utilised as a substitute for an appeal to reopen the discretionary determination already made by this Court.

64. Similarly, the objection regarding delay and laches in filing the original writ petition cannot be permitted to be raised afresh in the present proceedings in the absence of any manifest error in the judgment under review. The review applicant was at liberty to challenge the judgment dated 20.08.2025 before an appropriate higher forum on any ground which it considered legally available. However, it cannot seek reconsideration of the entire controversy by merely describing the conclusions recorded by this Court as erroneous.

65. This Court has also considered the judgment relied upon by learned Additional Advocate General in the case of **Mohd. Jahan Begum**. The said judgment recognises the inherent power of this Court to review its judgments rendered under Article 226 of the Constitution and clarifies that the principles contained in Order XLVII Rule 1 CPC may guide the exercise of such jurisdiction. It also holds that the review jurisdiction is not governed by an inflexible period of limitation in the absence of a specific statutory provision, although an application must

be filed within a reasonable period depending upon the facts and circumstances of the case.

66. The aforesaid judgment, therefore, does not support the proposition that a review application can be entertained for the purpose of reconsidering the correctness of the earlier decision on merits. On the contrary, it recognises the limited nature of the inherent review power and the necessity of demonstrating circumstances warranting its exercise. Thus, the reliance placed by the review applicant upon the said judgment does not advance its case on the substantive grounds urged in the present review application.

67. At this stage, it would be appropriate to examine the judgments relied upon by learned Senior Counsel appearing for the opposite parties, particularly **Parsion Devi and others (Supra)**, **Meera Bhanja (Supra) and Shiv Ganesh and others (Supra)**.

68. In the case of **Parsion Devi (supra)**, the Hon'ble Supreme Court has categorically held that review proceedings must remain strictly confined to the scope of Order XLVII Rule 1 CPC. An error apparent on the face of the record must be self-evident and should not require a long-drawn process of reasoning to establish it. The Court has further emphasised that review is not an appeal in disguise and an erroneous decision cannot be reheard and corrected in exercise of review jurisdiction.

69. Similarly, in the case of **Meera Bhanja (supra)**, the Hon'ble Supreme Court has reiterated that the power of review may be exercised where a new and important matter or evidence, which despite due diligence was not within the knowledge of the applicant or could not be produced earlier, is discovered, or where an error apparent on the face of the record is established. The Court has specifically held that an error which requires a lengthy process of reasoning on points where two views are possible cannot be treated as an error apparent on the face of the record.

70. The principles enunciated in the aforesaid judgments are directly attracted to the controversy involved in the present review application. The grounds urged by the review applicant concerning the interpretation of paragraph 31(2) of the Amendment Act, applicability of Section 6(f) of the Ceiling Act, the legal consequences of the civil court decree, the requirement of notice to the Waqf Board and the availability of an alternative remedy require detailed examination and interpretation. None of these grounds demonstrates an error which is self-evident from a mere perusal of the judgment under review.

71. The judgment in the case of **Shiv Ganesh (supra)** also reiterates that the power of review cannot be confused with appellate jurisdiction and that the Court cannot review its judgment merely because the applicant considers the decision to be incorrect on merits. The said judgment further clarifies that review can be entertained only on the grounds recognised under the settled principles governing review jurisdiction.

71. In view of the aforesaid legal position, this Court finds that the judgments relied upon by learned Senior Counsel for the opposite parties lay down the correct principles governing the exercise of review jurisdiction. The judgments relied upon by learned Additional Advocate General, namely **Nivedita Sharma (supra), Shia Central Board of Waqf (supra)** and **Mohd. Jahan Begun (supra)**, have been considered in their proper perspective. However, none of them establishes that the judgment under review suffers from an error apparent on the face of the record or that the present case warrants exercise of the exceptional jurisdiction of review.

72. The review applicant has also urged that the judgment under review would affect the merits of the case and, therefore, deserves to be reconsidered. This submission is wholly insufficient to invoke review jurisdiction. The possibility that a judgment may have consequences upon the rights of the parties is inherent in every adjudication. Such consequences cannot, by themselves, constitute a ground for review. The

applicant is required to demonstrate a specific and patent error falling within the recognised parameters of review jurisdiction.

73. Upon an overall consideration of the grounds raised in the review application, this Court finds that the review applicant has not brought on record any new and important matter or evidence which, despite the exercise of due diligence, was not within its knowledge or could not be produced at the time of the original hearing. No mistake or error apparent on the face of the record has been demonstrated. Rather, the review applicant has substantially reiterated the objections and legal submissions which it considers ought to have prevailed while deciding the writ petition.

74. It is well settled that the mere possibility of taking a different view on the interpretation of a statutory provision or appreciation of the material available on record does not furnish a ground for review. Even if two views are reasonably possible, the review jurisdiction cannot be exercised to substitute one view for the other merely because the applicant considers the alternative view to be more appropriate. The finality attached to judicial decisions cannot be permitted to be disturbed on the basis of a fresh round of arguments under the guise of review.

75. This Court is, therefore, of the considered opinion that the review application does not satisfy the essential requirements for invoking the limited review jurisdiction of this Court. The grounds raised therein are essentially directed against the correctness of the findings recorded in the judgment dated 20.08.2025 and would require this Court to undertake a fresh examination of the statutory provisions, documentary material and factual circumstances already considered while deciding the writ petition. Such an exercise would amount to sitting in appeal over its own judgment, which is impermissible in law.

76. For the reasons recorded hereinabove, this Court does not find any error apparent on the face of the record, any discovery of new and important matter or evidence, or any other sufficient ground warranting review of the judgment and order dated 20.08.2025 passed in Writ-C

No.3000065 of 1997, Smt. Afsar Jahan v. State of U.P. and others. The review applicant has failed to make out a case for recalling or modifying the said judgment.

77. Consequently, the review application, being devoid of merit and not disclosing any legally sustainable ground for exercise of review jurisdiction, is hereby **dismissed**. The judgment and order dated 20.08.2025 passed in Writ-C No.3000065 of 1997 shall remain undisturbed.

(Irshad Ali,J.)

November 16, 2026
Adarsh K Singh