CASE ANALYSIS

FCC Upholds Article 199 Relief Against Forged Land Mutation

The Federal Constitutional Court upheld the cancellation of a forged oral sale mutation affecting Ume Laila’s inherited land after the official record established tampering.

By Shahbaz Shah · 26 November 2026

Maqbool Ahmed v. Ume Laila · C.P.L.A. No. 2259-L of 2024

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The Federal Constitutional Court upheld the cancellation of a land mutation that purported to record the oral sale of Ume Laila’s inherited farmland in Gojra. The revenue officer named on the entry disowned his signatures, the prescribed register contained no record of the transaction, and the tenants who claimed to have bought the land produced no proof of payment. On that official record, the FCC held that the Lahore High Court was entitled to intervene under Article 199. Judgment, paragraphs 13-16 and paragraphs 18-20.

How a tenancy became a claim to ownership

Ume Laila and her sisters inherited land from their father, Mureed Abbas. Maqbool Ahmed and others, who had entered the property as tenants, relied on Mutation No. 1576 dated 28 July 2013 to claim an oral purchase of 17 kanals and 16 marlas. Ume Laila denied selling the land, receiving the price or appearing before a revenue officer to confirm the transaction. Judgment, paragraphs 2-3.

The Assistant Commissioner initially directed her to the civil court. On review, the Naib Tehsildar said that the parties had never appeared before him and that his signatures on the mutation were forged. The Assistant Commissioner cancelled the entry in April 2018. The Additional Commissioner upheld cancellation in March 2019. The Board of Revenue later restored the direction to pursue a civil suit, and the Lahore High Court set that decision aside in October 2024. Judgment, paragraphs 3-6 and paragraphs 11-12.

Why the High Court could intervene

The tenants relied on *Sardar Muhammad v. Imam Bakhsh*, 2021 SCMR 391, and *Rasta Mal Khan v. Nabi Sarwar Khan*, 1996 SCMR 78. They argued that contested facts and a claim for a declaration of title belonged in the civil court, referring to Section 53 of the West Pakistan Land Revenue Act, 1967 and Section 42 of the Specific Relief Act, 1877. The FCC accepted the principles in those authorities for genuine disputes requiring evidence about competing claims. In this case the official record itself established tampering, and the Board of Revenue had ignored that material when it sent Ume Laila to the civil court. Judgment, paragraphs 7-12 and paragraphs 18-19.

The Court identified three problems in the revenue record. The Naib Tehsildar had disowned the signatures, the mutation was missing from the daily occurrence register required by Section 42(1) of the 1967 Act, and no official fee had been deposited. It also found that the tenants had failed to establish any consideration for the alleged sale. The High Court acted within its constitutional jurisdiction when it set aside the Board's order and restored the cancellation. Judgment, paragraphs 11-15 and paragraph 19.

What the entry could prove

A mutation records an asserted change in the revenue ledger. The Court said the beneficiary of an oral sale mutation must establish the underlying bargain and its consideration. It read the paid-or-promised price requirement in Section 54 of the Transfer of Property Act, 1882 with Sections 2(d) and 25 of the Contract Act, 1872. The record here contained no receipt, banking instrument or other documentary proof of payment. Judgment, paragraphs 13-16.

The Court also applied tenant estoppel under Article 115 of the Qanun-e-Shahadat Order, 1984. The petitioners had entered under Ume Laila's father and remained in possession through that tenancy. The Court held that they could not deny their landlord's title on the strength of this forged entry. It dismissed their petition and refused leave to appeal. Judgment, paragraphs 17-20.

Official court PDF · FCC judgment register.

Frequently asked questions

Does a land mutation establish ownership on its own?

The Court treated the mutation as evidence of the claimed transaction. The person relying on it still had to prove the oral sale and its consideration. Judgment, paragraphs 14-16.

When does a dispute about a mutation belong in the civil court?

Genuine disputes about title or contested facts that require evidence belong in the civil court. In this case the official material established tampering and supported Article 199 review of the Board's order. Judgment, paragraphs 7-10.

Why did the purchasers' status as tenants matter?

Article 115 of the Qanun-e-Shahadat Order restricts tenants from denying their landlord's title while they remain in possession under the tenancy. The Court applied that rule to the petitioners. Judgment, paragraph 17.

Did the FCC restore the alleged sale?

The Court refused leave to appeal. The High Court's ruling restoring the cancellation of Mutation No. 1576 remains in force. Judgment, paragraphs 19-20.