

FCC: Shamlat Land Entry Cannot Be Reversed as a Clerical Error After 44 Years

Shahbaz Shah Legal Journal | 29 September 2026 | shahbazshahlaw.com

What the Court held

The Federal Constitutional Court held that a revenue officer cannot use the narrow power to correct a clerical mistake to reverse a settlement entry that has stood for about 44 years when the change raises disputed questions about the land and the rights of people in possession. The affected persons must be heard. If ownership or possession is contested, the appropriate forum must decide those issues on evidence.

In Muhammad Ashraf Rana and others v. Rehmat Ali and others, F.C.P.L.A. No. 423/2025, the Court allowed the appeal, set aside the Lahore High Court's judgment and restored the Board of Revenue's order. It did not decide who owns the land or whether any construction is lawful.

The disputed entry

The case concerned 15 marlas in Mauza Lappaywali, Tehsil Pasrur, District Sialkot. The 1954-55 record described it as Shamlat Deh Hasb-e-Hisas Paimana Malkiat and Ghair Mumkin Garha Khad. During the 1971-72 settlement, the old Khasra No. 342 became Khasra No. 369 and the land was recorded as Ghair Mumkin Kulli. That later description continued in successive records, including the 2007-08 record.

Rehmat Ali applied in 2015 to restore the earlier description. On 11 August 2015, the District Collector directed that Ghair Mumkin Kulli be replaced with Ghair Mumkin Garha Khad. The persons shown through their predecessors in the cultivation column and claiming possession were not made parties or heard. The Additional Commissioner dismissed their appeal in 2016. The Board of Revenue allowed their revision in 2018, but the Lahore High Court restored the Collector's order in 2025.

Section 166 is limited to genuine mistakes

The Court examined Section 166 of the Punjab Land Revenue Act, 1967, although the Collector's order had not expressly cited it. That provision concerns clerical or arithmetical mistakes and accidental slips or omissions in a decree or order. It is a corrective power, not a means of deciding contested rights or reopening settlement proceedings.

The different wording in an older record did not prove that the 1971-72 settlement entry was accidental. A lawful decision would require an inquiry into how the entry changed, whether the alteration was deliberate or inadvertent, and how reversal would affect rights and possession. The Collector's summary reports and comparison of records could not answer those questions. The Court referred to *Faiz Ullah Khan v. Member, Board of Revenue* (PLD 2026 FCC 97) on the limits of Section 166.

The civil court's role and the right to be heard

Revenue entries do not themselves confer title, but long-standing entries carry a rebuttable presumption of correctness. Where a proposed correction turns on competing ownership or possession claims, the claims require adjudication by a competent civil court. The bar in Section 172(2)(vi) applies to corrections within the revenue authority's exclusive competence; it does not prevent a civil court from deciding substantive rights merely because its decision may lead to a change in the record.

The Collector also failed to hear the people whose recorded possession and constructions could be affected. Their later appeal did not cure the failure: the appellate authority neither held a fresh factual inquiry nor gave them an effective opportunity to challenge the reports and present evidence.

Shamlat is not automatically State property

The Lahore High Court had treated the Shamlat Deh description as establishing public property and the occupants as encroachers. The FCC held that those conclusions required evidence. The relevant Wajib-ul-Arz, revenue record, purpose of reservation, shares of village proprietors and applicable law all matter. The communal character of the land and the legality of the later settlement description are separate questions. Its Shamlat description alone did not establish absolute State ownership or prove every occupier an encroacher.

The Court affirmed the duty to protect communal land against unlawful occupation. That duty must be exercised through lawful authority, evidence and due process to establish whether particular occupation is unlawful.

Result and practical effect

By its short order of 17 July 2026, the Court converted the petition into an appeal and allowed it. The Lahore High Court's judgment dated 13 October 2025 in W.P. No. 215416/2018 was set aside. The Board of Revenue's order dated 15 March 2018 was restored, leaving the parties to bear their own costs.

The ruling is confined to the summary correction proceedings. It gives the petitioners no title, approves no encroachment, and does not prevent an aggrieved person or competent authority from pursuing a lawful remedy. A competent forum may still decide title, shares, possession and constructions independently after hearing all affected parties.

For a similar land-record dispute, the decisive distinction is between an obvious clerical slip and a substantive dispute about a settlement entry. Counsel should obtain the settlement record, earlier and later records of rights, Wajib-ul-Arz, possession evidence and the orders authorising any alteration before choosing a correction application or civil proceedings.

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