



2026:AHC:9940

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT-C No.38368 of 2025

Chetram

.....Petitioners(s)

Versus

State of U.P. And 4
Others

.....Respondents(s)

Counsel for Petitioners(s)	: Sanjay Kumar Mishra, Shrawan Kumar Pandey
Counsel for Respondent(s)	: C.S.C., Rakesh Kumar Srivastava, Sunil Kumar Singh

Court No. - 35
AFR

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

Heard Sri Shrawan Kumar Pandey, learned counsel for the petitioner and Sri J N Maurya, learned Chief Standing Counsel appearing along with Sri O P Sharma, learned Additional Chief Standing Counsel for the State-respondents.

2. The present writ petition under Article 226 of the Constitution of India has been instituted for quashing the order dated 24.03.2025 passed by respondent no.4, namely the Tehsildar (Judicial)/Assistant Collector, Tehsil Dadri, District Gautam Budh Nagar, in Case No.14775 of 2023 (Computer Case No. T202311270214775), *Land Management Committee versus Chetram*, arising out of proceedings under Section 67 of the Uttar Pradesh Revenue Code, 2006¹, as also the order dated 19.08.2025 passed by respondent no.2, the Additional Commissioner

¹ Code, 2006

(Administration)-III, Meerut Division, Meerut, whereby the revision preferred by the petitioner under Section 210 of the Code has been rejected.

3. Though the impugned orders are interlocutory in nature, the writ petition raises a substantial and recurring question of law concerning the applicability of Order VII Rule 11 of the Code of Civil Procedure, 1908² to summary proceedings under Section 67 of the Code, 2006. The question assumes significance, inasmuch as proceedings under Section 67 are intended to provide an expeditious remedy, whereas the power of rejection of a plaint under Order VII Rule 11 operates at the threshold to terminate proceedings that are barred in law or do not disclose a cause of action. The issue has repeatedly arisen before the revenue courts and, therefore, calls for a considered exposition of the legal position.

4. Proceedings under Section 67 (1) of the Code, 2006 were initiated against the petitioner on the allegation of unauthorised occupation of Gram Sabha land. The initiation of proceedings was founded upon information furnished in the manner prescribed by the concerned revenue authority, culminating in a report submitted in RC Form–19, as contemplated under Section 67(1). Consequent thereto, a show-cause notice in RC Form–20 was issued to the petitioner under Section 67(2), affording him opportunity to submit objections within the time prescribed.

5. Upon receipt of the notice issued under Section 67(2), the petitioner, instead of confining himself to objections contemplated thereunder, filed an application captioned under Order VII Rule 11 CPC, seeking rejection of the proceedings at the threshold on the ground of alleged non-maintainability. Subsequently, the petitioner also filed detailed objections on merits on 21.04.2024, as contemplated under Section 67(2).

6. The Assistant Collector, by order dated 24.03.2025, declined to decide the application under Order VII Rule 11 CPC at the threshold,

² CPC

holding that the objection as to maintainability would be considered along with the objections on merits at the stage of final adjudication under Section 67(3).

7. Aggrieved thereby, the petitioner preferred a revision under Section 210 of the Code, 2006, which came to be dismissed by the Additional Commissioner on 19.08.2025, holding that no jurisdictional error or illegality was made out.

8. Learned counsel for the petitioner vehemently contended that the application under Order VII Rule 11 CPC raised a pure question of maintainability, which ought to have been decided as a preliminary issue prior to adjudication on merits. Reliance was placed upon Section 214 of the Code, 2006, contending that principles of CPC apply and deferment of such adjudication amounts to jurisdictional error warranting interference under Article 226.

9. *Per contra*, learned Chief Standing Counsel appearing for the State-respondents submitted that proceedings under Section 67 are summary proceedings, to which provisions of CPC *stricto sensu* do not apply by virtue of Rule 186 of the U.P. Revenue Code Rules, 2016. It was submitted that integrated adjudication of objections aligns with the statutory scheme and legislative intent of expeditious removal of encroachments over public land.

10. The seminal question that arises for consideration is whether the provisions of Order VII Rule 11 of the Code of Civil Procedure, 1908, which contemplate rejection of a plaint, are applicable to summary proceedings initiated under Section 67 of the U. P. Revenue Code, 2006, and, if so, whether the Assistant Collector is mandatorily required to adjudicate such objection as a preliminary issue ?

11. In order to appreciate the controversy, the relevant provisions under the U.P. Revenue Code, 2006 and the U.P. Revenue Code Rules, 2016 are being set out herein below:

“Section 67. Power to prevent damage, misappropriation and wrongful occupation of Gram Panchayat property.—(1) Where any property entrusted or

deemed to be entrusted under the provisions of this Code to a Gram Panchayat or other local authority is damaged or misappropriated, or where any Gram Panchayat or other authority is entitled to take possession of any land under the provisions of this Code and such land is occupied otherwise than in accordance with the said provisions, the Bhumi Prabandhak Samiti or other authority or the Lekhpal concerned, as the case may be, shall inform the Assistant Collector concerned in the manner prescribed.

(2) Where from the information received under sub-section (1) or otherwise, the Assistant Collector is satisfied that any property referred to in sub-section (1) has been damaged or misappropriated, or any person is in occupation of any land referred to in that sub-section in contravention of the provisions of this Code, he shall issue notice to the person concerned to show cause why compensation for damage, misappropriation or wrongful occupation not exceeding the amount specified in the notice be not recovered from him and why he should not be evicted from such land.

(3) If the person to whom a notice has been issued under sub-section (2) fails to show cause within the time specified in the notice or within such extended time as the Assistant Collector may allow in this behalf, or if the cause shown is found to be insufficient, the Assistant Collector may direct that such person shall be evicted from the land, and may, for that purpose, use or cause to be used such force as may be necessary, and may direct that the amount of compensation for damage or misappropriation of the property or for wrongful occupation as the case may be, be recovered from such person as arrears of land revenue.

(4) If the Assistant Collector is of opinion that the person showing cause is not guilty of causing the damage or misappropriation or wrongful occupation referred to in the notice under sub-section (2), he shall discharge the notice.

(5) Any person aggrieved by an order of the Assistant Collector under sub-section (3) or sub-section (4), may within thirty days from the date of such order, prefer an appeal to the Collector.

(6) Notwithstanding anything contained in any other provision of this Code and subject to the provisions of this section every order of the Assistant Collector under this section shall, subject to the provisions of sub-sections (5) be final.

(7) The procedure to be followed in any action taken under this section shall be such as may be prescribed.

Explanation.—For the purposes of this section, the word “land” shall include the trees and building standing thereon.”

“Section 214. Applicability of Code of Civil Procedure, 1908 and Limitation Act, 1963.—Unless otherwise expressly provided by or under this Code, the provisions of the Code of Civil Procedure, 1908 and the Limitation Act, 1963 shall apply to every suit, application or proceedings under this Code.”

“Rule 186. Non-applicability of CPC (Section 214) - The provisions of the Code of Civil Procedure, 1908 shall not be applicable to the summary proceedings under the Code or these Rules, but the principles enshrined in the Code of Civil Procedure, 1908 and the principles of natural justice, shall be observed in the disposal of such proceedings.”

12. Section 67 of the Uttar Pradesh Revenue Code, 2006 confers power upon the revenue authorities to prevent damage, misappropriation and wrongful occupation of property entrusted or deemed to be entrusted to a Gram Panchayat or other local authority. Sub-section (1) obligates the Bhumi Prabandhak Samiti, the concerned local authority or the Lekhpal, as the case may be, to inform the Assistant Collector in the prescribed manner upon damage, misappropriation or unauthorized occupation of such land. Sub-section (2) empowers the Assistant Collector, upon receipt of such information or otherwise, and upon being satisfied that damage, misappropriation or unauthorized occupation exists, to issue a show-cause notice calling upon the person concerned to explain why compensation should not be recovered and why eviction should not be ordered. Sub-sections (3) and (4) vest the Assistant Collector with authority, upon failure to show cause or upon insufficiency thereof, to order eviction and recovery of compensation as arrears of land revenue, or alternatively, to discharge the notice if no contravention is found. Sub-section (5) provides a statutory appeal to the Collector within thirty days. Sub-section (6) accords finality to orders passed under the section, subject to the appellate remedy. Sub-section (7) mandates that the procedure to be followed shall be such as may be prescribed.

13. The applicability of the Code of Civil Procedure to proceedings under the Code is governed by Section 214 of the Code, 2006, which makes the CPC applicable unless otherwise expressly provided. Such express exclusion is contained in Rule 186 of the U.P. Revenue Code

Rules, 2016, which categorically provides that the provisions of the CPC shall not apply to summary proceedings, though the principles thereof and the principles of natural justice shall be followed.

14. A conjoint reading of Section 67, Section 214, and Rule 186 makes the statutory position explicit. Section 67 creates a summary mechanism for protection of Gram Sabha and public land, empowering the Assistant Collector to act on information or official report without recourse to civil litigation. The proceedings are designed to be swift, preventive, and remedial. While Section 214 provides for application of CPC provisions generally, it does so subject to express exclusion. Rule 186 is such an express exclusion. It categorically bars application of CPC provisions to summary proceedings, while preserving only their principles, coupled with principles of natural justice. Thus, the statutory scheme consciously balances procedural fairness with administrative efficiency, ensuring that the rigours of civil procedure do not obstruct the legislative object of prompt eviction of persons found to be in wrongful occupation of Gram Panchayat property.

15. Proceedings under Section 67 of the U.P. Revenue Code, 2006 are administrative-cum-quasi-judicial summary proceedings and do not constitute civil suits. A civil suit under the Code of Civil Procedure commences with the presentation of a plaint under Order IV Rule 1 CPC, followed by service of summons, framing of issues, recording of evidence, and adjudication through a full-fledged trial.

16. In stark contrast, proceedings under Section 67 do not originate from a plaint but are triggered upon information furnished in accordance with sub-section (1) by the Bhumi Prabandhak Samiti, the concerned local authority or the Lekhpal, or where the Assistant Collector, upon such information or otherwise under sub-section (2), is satisfied regarding damage, misappropriation or unauthorized occupation of land vested in the Gram Panchayat.

17. The procedural trajectory under Section 67 of the U.P. Revenue Code, 2006 commences with the receipt of information or an official

report regarding alleged unauthorized occupation of Gram Sabha land, upon which a show-cause notice is issued to the person concerned, who is thereafter afforded opportunity to file objections, followed by a summary enquiry as the authority deems fit, culminating in the passing of a reasoned final order in accordance with law.

18. Where a statute creates a special forum and prescribes a distinct and self-contained procedure, concepts and technicalities drawn from ordinary civil court procedure cannot be imported into such proceedings unless the statute itself expressly so provides. Revenue ejectment proceedings, particularly those relating to removal of unauthorised occupation over public land, have consistently been understood to be summary in nature, intended to secure swift and effective remedy, and are not governed by the technical rigours of the Code of Civil Procedure.

19. The manifest legislative object underlying Section 67 of the U.P. Revenue Code, 2006 is the expeditious vacation of public and Gram Sabha land so as to prevent public mischief and protect community property. The introduction of procedural trappings of civil litigation – such as elaborate pleadings, technical objections, and threshold applications designed for adversarial litigation—would frustrate this object and dilute the summary character of the statutory mechanism.

20. Order VII Rule 11 of the Code of Civil Procedure confers power upon the Court to reject a plaint at the very threshold on grounds, inter alia, that it does not disclose a cause of action or that the suit appears, from the statements contained in the plaint, to be barred by any law. The provision is premised on the salutary principle that frivolous, vexatious or legally untenable litigation ought not to be permitted to occupy the time of the Court or subject parties to avoidable proceedings.

21. The provision, it must be noted, is essentially procedural, suit – centric and threshold-oriented. It presupposes, in the strict sense, the institution of a civil suit by presentation of a plaint and is intended to operate at the inception of such adversarial civil proceedings. Its conceptual foundation is, therefore, inextricably linked to the existence

of a plaint, and it does not apply *proprio vigore dehors* the framework of an ordinary civil suit.

22. Procedural provisions of the Code of Civil Procedure are not to be mechanically or automatically applied to proceedings under special statutes, particularly where such statutes prescribe a distinct procedure and expressly limit or exclude the application of the Code. Rule 186 of the U.P. Revenue Code Rules, 2016 expressly excludes the application of the provisions of the Code of Civil Procedure to summary proceedings, while preserving only the guiding principles thereof along with the principles of natural justice. Applying the maxim *expressio unius est exclusio alterius*, once CPC provisions are expressly excluded, their indirect importation through Section 214 is impermissible.

23. Proceedings under Section 67 of the U.P. Revenue Code, 2006 do not originate from a plaint in the sense understood under the Code of Civil Procedure. The initiation of such proceedings is founded upon an RC Form–19 report, which is an official report submitted by a revenue functionary in discharge of a statutory duty. Such a report is neither an adversarial pleading nor a statement of claim asserting private rights, but merely a piece of administrative information which sets in motion the statutory obligation of the Assistant Collector to enquire into an alleged unauthorized occupation of public land.

24. The RC Form–19 report, therefore, cannot be equated with a plaint, either in form, substance, or legal character. Any attempt to treat it as a plaint so as to attract the rigours of Order VII of the Code of Civil Procedure would be conceptually erroneous and legally untenable, and would amount to importing civil suit jurisprudence into a summary statutory proceeding where the legislature has consciously excluded its application.

25. Equating such a report with a plaint would be wholly misplaced and would amount to a fundamental category error. In the absence of a plaint, the very foundation for invoking Order VII Rule 11 is lacking, thereby rendering the said provision wholly inapplicable to proceedings

under Section 67 of the Code. The exclusion of its applicability stands further reinforced by Rule 186 read with Section 214 of the U.P. Revenue Code, 2006.

26. A person proceeded against under Section 67 is entitled to raise objections relating to jurisdiction, maintainability, or the existence of a legal bar as part of the objections contemplated under Section 67(2). However, the statute does not mandate that such objections must invariably be segregated and adjudicated as preliminary issues. The decision as to whether a preliminary objection should be taken up separately or considered along with the merits lies within the procedural discretion of the competent authority, to be exercised having regard to the nature of the objection and the overall statutory scheme.

27. In summary proceedings, insistence on isolated adjudication of preliminary objections often operates as a dilatory device and has the potential to defeat the very purpose of providing a swift and efficacious remedy. Unless a jurisdictional defect is apparent on the face of the record and goes to the very root of the proceedings, integrated adjudication remains both permissible and desirable.

28. In the present context, the requirements of natural justice stand fully satisfied as the petitioner has been served with notice, afforded opportunity to file objections, permitted to participate in the proceedings, and has availed the remedy of revision. The principles of natural justice do not mandate fragmented or piecemeal hearings, nor do they require every objection to be adjudicated in isolation at a preliminary stage.

29. The order dated 24.03.2025 is purely procedural and interlocutory in nature, merely deferring consideration of objections as to maintainability to the stage of final adjudication. It does not decide any substantive right of the parties.

30. The legislative declaration of finality under sub-section (6) of Section 67, subject only to the statutory appeal, further underscores the legislative intent to restrict procedural obstructions and reinforces

judicial restraint against interference with interlocutory procedural orders in summary proceedings.

31. It is well settled that the extraordinary jurisdiction under Article 226 of the Constitution is not to be exercised against interlocutory or procedural orders passed in the course of summary proceedings, unless such orders disclose a patent lack of jurisdiction or result in manifest injustice.

32. In view of the aforesaid discussion, this Court is of the considered opinion that Order VII Rule 11 of the Code of Civil Procedure, 1908, being plaint-centric and suit-oriented, has no application *proprio vigore* to summary proceedings under Section 67 of the U.P. Revenue Code, 2006, which are not instituted by presentation of a plaint but are set in motion by an RC Form-19 report. Consequently, an application seeking rejection of such proceedings by invoking Order VII Rule 11 CPC, in its strict sense, would not be maintainable.

33. At the same time, it cannot be gainsaid that the revenue courts are not denuded of the authority to examine, at the threshold, whether the very initiation of proceedings is wholly without jurisdiction, barred by law, or constitutes an abuse of the statutory process. While the formal machinery of Order VII Rule 11 CPC cannot be imported into Section 67 proceedings, the underlying principle that legally untenable proceedings ought not to be permitted to continue may, in an appropriate case, be applied in a limited manner, consistent with the summary scheme and legislative intent of the Code.

34. The legal position that emerges from the foregoing discussion may be summarised thus :

34.1 Proceedings initiated under Section 67 of the U.P. Revenue Code, 2006 are summary in character, administrative-cum-quasi-judicial in nature, and do not partake the character of civil suits governed by the Code of Civil Procedure, 1908.

34.2 The provisions of Order VII Rule 11 of the Code of Civil Procedure, 1908, which contemplate rejection of a plaint, are wholly

inapplicable to proceedings under Section 67, inasmuch as such proceedings do not originate from any plaint.

34.3 Rule 186 of the U.P. Revenue Code Rules, 2016 expressly excludes the application of the Code of Civil Procedure, 1908 to summary proceedings under the Code, save and except for adherence to the underlying principles thereof and the principles of natural justice.

34.4 A person against whom proceedings are initiated under Section 67 is entitled to raise objections relating to maintainability, jurisdiction, or the existence of any statutory or legal bar; however, no vested, absolute, or indefeasible right accrues to such person to demand that those objections be taken up, isolated, and adjudicated as separate or independent preliminary issues, divorced from consideration of the merits of the proceedings

34.5 Objections as to maintainability constitute an integral part of the objections contemplated under Section 67(2) of the Code and are ordinarily required to be considered in conjunction with, and not in isolation from, the merits of the case.

34.6 Segregated or threshold adjudication of preliminary objections is warranted only in exceptional situations where a patent and apparent jurisdictional defect is discernible on the face of the record.

34.7 Interlocutory or procedural orders passed in the course of summary proceedings under Section 67 are not amenable to interference in exercise of writ jurisdiction under Article 226 of the Constitution of India, unless such orders disclose a patent lack of jurisdiction or result in manifest injustice.

35. The impugned orders disclose no jurisdictional error, illegality or procedural impropriety warranting interference by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. The writ petition is, therefore, held to be devoid of merit and is, accordingly, **dismissed**.

36. However, to serve the ends of justice, Respondent no.4-Tehsildar (Judicial)/Assistant Collector, Tehsil Dadri, Gautam Budh Nagar is directed to expeditiously conclude adjudication of Case No.14775 of 2023 by passing reasoned and speaking final order considering all objections including those on maintainability within a period of eight weeks from the date of production of certified copy of this order.

(Dr. Yogendra Kumar Srivastava, J.)

January 14, 2026

Shahroz/RKK/-