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# Boundary Disputes and Civil Court Jurisdiction: A Detailed Analysis of Hamid Khan & Others v. Jwala Prasad & Others

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On August 31, 2026, the Allahabad High Court ruled that civil courts cannot resolve boundary demarcations of agricultural land under the guise of issuing a permanent injunction. The decision in *Hamid Khan And 4 Others v. Jwala Prasad And 13 Others* (Second Appeal No. 475 of 2026) set aside concurrent decrees passed by lower civil courts and reinforced the mandatory role of statutory revenue procedures in Uttar Pradesh.

Justice Anil Kumar-X held that the distinction between the **jurisdiction of civil courts** and statutory administrative bodies remains a cornerstone of legal procedure in Indian land jurisprudence. The ruling clarifies the interplay between civil remedies and specialised revenue statutes governing agricultural boundary disputes.

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## Factual Background of the Case

The dispute originated as Civil Suit No. 71 of 2001 before the Civil Judge (Senior Division), Fast Track Court, Hathras. The plaintiffs, Jwala Prasad and others, sought a **permanent injunction** regarding a specified portion of land situated in Khasra No. 815 at Mauja Sherpur, Tehsil Sadabad, District Hathras.

The plaintiffs asserted ownership and continuous possession over 0.60 acres of Khasra No. 815. They alleged that the defendants, who owned the adjoining plot recorded as Khasra No. 816 situated towards the southern boundary, were attempting to forcibly construct structures and dispossess them from their property.

The defendants, Hamid Khan and others, refuted the claims. They contended that the plaintiffs had deliberately misdescribed the southern boundary of Khasra No. 815 to illegally incorporate portions of Khasra No. 816 and Khasra No. 817.

The defendants maintained that the contested portion included a drain and a passage forming an integral part of their plot, Khasra No. 816. The central dispute between the parties revolved around the **exact location of the boundary** separating the adjoining agricultural plots.

## Trial Court and First Appellate Court Decisions

### Trial Court Decree

The Trial Court framed multiple issues, primarily examining whether the plaintiffs owned and possessed Gata No. 815 and whether the contested land formed part of Gata No. 815 or Gata No. 816. The plaintiffs relied on revenue records, oral testimony, and a report alongside a map prepared by an **Advocate Commissioner**. The defendants produced earlier judgment copies relating to Gata No. 817 and village revenue maps.

On March 29, 2023, the Trial Court decreed the suit in favour of the plaintiffs. It held that the property shown in the plaint map matched the Advocate Commissioner's report and revenue maps.

The Trial Court's decree went beyond a general order of prohibition. It identified the disputed portion with specific dimensions, measuring thirty Kadi on the eastern and western boundaries and twenty Kadi on the northern and southern boundaries.

### First Appellate Court

Aggrieved by the decree, the defendants preferred Civil Appeal No. 26 of 2023 before the Additional District and Sessions Judge, Court No. 4, Hathras. On April 2, 2026, the First Appellate Court dismissed the appeal, affirming the Trial Court's findings that the plaintiffs had successfully established ownership and possession over the disputed portion as part of Gata No. 815.

The defendants subsequently approached the Allahabad High Court in Second Appeal.

## Arguments Before the High Court

### Appellants' Arguments

Before the High Court, the appellants argued that the suit was barred under **Section 41(h) of the Specific Relief Act, 1963**, which denies injunctive relief when an equally efficacious remedy exists through regular legal proceedings. They raised several specific contentions:

- The foundational dispute was not over title but rather a boundary overlap between agricultural plots.
- Such demarcation disputes fall within the exclusive jurisdiction of Revenue Courts pursuant to Section 24 of the U.P. Revenue Code, 2006 (formerly Section 41 of the Land Revenue Act, 1901).
- A civil court commissioner's inspection could not operate as a substitute for official statutory survey and revenue demarcation.

### Respondents' Arguments

The respondents contended that the findings of both lower courts were **concurrent findings of fact** based on oral and documentary evidence, including official revenue maps. They submitted that under Section 100 of the Code of Civil Procedure (CPC), 1908, the High Court lacks jurisdiction to re-appreciate evidence or overturn concurrent factual determinations unless they are shown to be perverse or devoid of legal evidence.

## Legal Issues and Findings of the High Court

The High Court identified a core **substantial question of law**: whether the Civil Court possessed the legal competence to adjudicate a boundary demarcation dispute between agricultural holdings and issue an injunction determining the exact extent of land, despite the existence of a statutory revenue procedure.

### Scope of Second Appeal and Substantial Question of Law

Justice Anil Kumar-X observed that while concurrent factual findings are generally binding, the bar under **Section 100 CPC** is not absolute. Citing Supreme Court precedents, the court noted that when a lower court reaches a finding by applying an incorrect legal test, relying on legally incapable evidence, or assuming jurisdiction barred by statute, a substantial question of law arises.

### Exclusive Jurisdiction of Revenue Courts and Section 9 CPC

The court evaluated Section 9 of the CPC alongside **Section 24 of the U.P. Revenue Code, 2006**. Section 9 confers civil courts with authority to try suits of a civil nature except those expressly or impliedly barred.

The High Court reasoned that determining agricultural plot boundaries requires:

- Specialized field measurements
- Analysis of settlement maps
- Technical survey expertise

The legislature intentionally created a dedicated statutory machinery within the revenue administration to perform these tasks. A litigant cannot bypass this statutory framework or confer jurisdiction upon a Civil Court simply by framing a boundary dispute as a suit for a permanent injunction.

### Application of Section 41(h) of the Specific Relief Act

The court emphasized that under **Section 41(h) of the Specific Relief Act, 1963**, discretionary injunctive relief must be refused when an equally efficacious statutory remedy exists. Because Section 24 of the U.P. Revenue Code provides a specialized

procedure for boundary determination, invoking civil jurisdiction for an injunction based on an un-demarcated boundary violates this statutory restriction.

### Evidentiary Value of an Advocate Commissioner's Report

The High Court drew a clear distinction between an **Advocate Commissioner** appointed under Order XXVI of the CPC and a statutory Revenue Inspector. While an Advocate Commissioner assists the court in recording local features or clarifying physical conditions, their report cannot replace an official demarcation conducted by competent Revenue Authorities under statutory survey rules.

### Substantive Impact of the Trial Court's Decree

The court noted a critical flaw in the Trial Court's decree. By granting an injunction that explicitly specified dimensions and boundary points, the Trial Court effectively **demarcated the land** and declared its boundaries.

Fixing the extent of Gata No. 815 directly impacted the boundary and area of the adjoining plot, Gata No. 816, without undergoing statutory revenue measurement. The Civil Court had performed a substantive administrative demarcation function under the guise of granting prohibitory relief.

## Outcome and Impact

The High Court held that the civil courts lacked the competence to determine disputed agricultural boundaries. It set aside the judgment and decree of the First Appellate Court dated April 2, 2026, as well as the judgment and decree of the Trial Court dated March 29, 2023. The **Second Appeal was allowed**, leaving it open to the plaintiffs to seek proper boundary demarcation before the competent Revenue Court in accordance with the U.P. Revenue Code.

This judgment reinforces the legal boundary between civil judicial power and statutory revenue authority in Uttar Pradesh. It provides clarity for property litigants: boundary disputes over agricultural land must be resolved through statutory revenue demarcation before civil courts can entertain claims for injunctive relief based on those boundaries.

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