	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.
091-9212726	091-9214208
No. Estt:VII/ Anjuman Patwarian / 24134-83	Peshawar Dated the 16 /10/2024

To

1. All the Commissioners,
Khyber Pakhtunkhwa
2. All the Deputy Commissioners,
Khyber Pakhtunkhwa

Subject: BAR ON LEGAL PROCEEDING AGAINST THE REVENUE STAFF

I am directed to refer to this Department letter No. Estt:VII/Anjuman Patwarian/7235-83 dated 08.03.2022 on the subject noted above and to state once again that since the Revenue and Land Record related activity involve a complex and intricate procedure; apprehension of clerical mistakes and misconstrual of matters always remain. In this regard it may be noted that Mutations are always subject to review which is solely given effect for the purpose of identification/fixation of tax. Similarly, in hereditary mutations the field officers are always relying on the verification of the witnesses and identifiers regarding the legal heirs of the deceased which is also subject to review by the Courts. In order to cater for the clerical mistakes and misinterpretations, the opportunity of Appeal, Review and Revision are given under the Land Revenue Act. Therefore, before initiating any legal proceedings, lodging of FIR, and inquiry against revenue Officers/Officials they may be provided an opportunity of hearing under section 166 of LRA 1967 which states that:

“Clerical and arithmetical mistakes in any decree or order made by any Revenue Officer, or errors therein from any accidental slip or omission may, at any time, be corrected by such officer”.

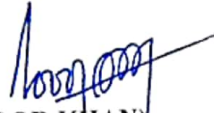
2. Moreover, Sub-Section -2 (IV & VI) of Section 172 of LRA 1967 provides exclusive jurisdiction of the revenue courts which is; *“in matters of any Notification directing the making or revision of a record of rights”* and *“the correction of any entry in a record of rights, periodical record or register of mutations”.*

3. Similarly, section 181 of the LRA, 1967 provides for more specific protection to revenue officers:

“No suit, prosecution or other legal proceedings shall lie against a Revenue Officer for anything done or ordered to be done in good faith by him as such in pursuance of the provision of the this act, or any other law for the time being in force”.

4. However, it has been reported that numerous criminal proceedings are initiated against Revenue Officials in matters which can be addressed through Departmental proceedings. The Criminal proceedings are time consuming lingers on for a long time which seldom reach a logical conclusion with no remedy of correction of the record.


5. Therefore, it is desired that this basic principle of law provided in Land Revenue Act 1967 should be followed in letter and spirit at your own level and a better working relationship be ensured between the revenue officials and field staff of Anti-Corruption Directorate in order to avoid such time consuming criminal proceedings in routine departmental matters. please.


(NOOR KHAN)
Assistant Secretary (Estt)
Board of Revenue

Endst No. & Date Even

Copy forwarded to the:

1. Special Assistant to Chief Minister on Anti-Corruption Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. Director Anti-Corruption Establishment, Directorate of Anti-Corruption Hayatabad Phase-5 Peshawar.
4. SPS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
5. PS to Minister for Revenue & Estate, Khyber Pakhtunkhwa.
6. PA to Secretary-I, II & III, Board of Revenue, Khyber Pakhtunkhwa.
7. PA to Director Land Records, Khyber Pakhtunkhwa.


(NOOR KHAN)
Assistant Secretary (Estt)
Board of Revenue