2025:AHC:179579

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT – C No. - 35385 of 2025

Ramautar @ Ramavtar …..Petitioners(s)

Versus

State of Uttar Pradesh …..Respondents(s)
& 4 Others

Counsel for Petitioners(s) : Karan Prakash Tiwari
Counsel for Respondent(s) : CSC

AFR
Court No. - 6

HON'BLE DR. YOGENDRA KUMAR SRIVASTAVA, J.

1. Heard Sri Karan Prakash Tiwari, learned counsel for the petitioner and Sri Abhishek Shukla, learned Additional Chief Standing Counsel appearing for the State-respondents.

2. The present petition has been filed seeking to assail the order dated 23.11.2024 passed by respondent no. 3, the Collector/District Magistrate, Bulandshahr, in Case No. 4481 of 2024 (Ramautar @ Ramavtar vs. State of U.P.), whereby the petitioner's application seeking permission under Section 98(1) of the U.P. Revenue Code, 2006[1] was rejected. The subsequent order dated 03.07.2025 passed by respondent no. 2, the Additional Commissioner, Meerut Division, Meerut, in Revision No. 891 of 2025 (Ramautar @ Ramavtar vs. State of U.P.),

1 Code,2006

whereby the revision preferred against the aforesaid order came to be dismissed is also challenged.

3. As per the facts set out in the writ petition, the petitioner claims to be a tenure holder (bhumidhar with transferable rights) of an agricultural land bearing Khata No. 106, Khasra No. 2/2/4 area 0.482 hectare; Khata No. 101, Khasra No. 95/1 area 0.076 hectare; and Khata No. 101, Khasra No. 85/1 area 0.0210 hectare. Out of the aforesaid parcels of land, land bearing Khata No. 106, Khasra No. 2/2/4 area 0.4820 hectare was acquired by the petitioner through a registered sale deed executed on 09.03.2011. The erstwhile owners of the land also belonged to the Scheduled Caste category.

4. The petitioner asserts that he is suffering from chronic viral Hepatitis B disease. The cost of treatment being substantial and recurring, the petitioner was constrained to seek financial means to continue his medical care. In view of the financial exigencies arising from the aforesaid medical condition, the petitioner submitted an online application under Section 98 of the U.P. Revenue Code, 2006, seeking permission to sell his agricultural land bearing Khata No. 106, Khasra No. 2/2/4 area 0.4820 hectare to a person who does not belong to the Scheduled Caste Category.

5. Pursuant to the said application, a detailed enquiry report dated 05.11.2024 was prepared by the Tehsildar, Khurja, who, upon due verification, recorded that the petitioner was indeed suffering from serious illness and recommended grant of permission under Section 98 of the U.P. Revenue Code, 2006. The Sub-Divisional Magistrate, Khurja, thereafter forwarded the Tehsildar’s report along with his own covering report dated 14.11.2024 to the District Magistrate, Bulandshahr. However, in his report, the Sub-Divisional Magistrate took a contrary view, and recommended refusal of permission on the ground that the land proposed to be sold had earlier been a leased holding.

6. The matter was placed before the Collector/District Magistrate, Bulandshahr, where it was registered as Case No. 4481 of 2024

(Ramautar @ Ramavtar vs. State of U.P.). The Collector, by order dated 23.11.2024, rejected the petitioner's application primarily on the ground that the land proposed to be sold had earlier been a leased holding and that the petitioner would become landless upon completion of the sale.

7. Aggrieved thereby, the petitioner preferred a revision under Section 210 of the U.P. Revenue Code, 2006 before the Additional Commissioner, Meerut Division, Meerut, which was registered as Case No. 891 of 2025. The revisional authority by order dated 03.07.2025 dismissed the revision, essentially reiterating the reasons as recorded by the Collector.

8. Contention of the learned counsel appearing for the petitioner is that the impugned orders suffer from manifest error apparent on the face of record and are wholly mechanical and arbitrary in nature. It is submitted that the finding recorded by the Collector regarding the petitioner becoming landless is contrary to the material available on record, inasmuch as the report dated 14.11.2024 does not state any such fact. It is further urged that even assuming the land to have been a leased holding at some point of time, the same could not, by itself, constitute a ground to prohibit the petitioner from transferring his self-acquired land purchased through a registered sale deed from a bhumidhar with transferable rights, provided that the conditions stipulated under Rule 99(8) of the U.P. Revenue Code Rules, 2016[2] are fulfilled.

9. It is submitted that despite the report dated 14.11.2024 submitted by the Sub-Divisional Magistrate, Khurja, wherein a clear recommendation was made in favour of the petitioner, the application seeking permission for transfer of land under Section 98 of the U.P. Revenue Code, 2006 was rejected by the Collector by order dated 23.11.2024. The said order proceeds on the reasoning that the petitioner, upon completion of the proposed sale, would become a landless person, and that the land in question being a leased holding could not be transferred. The revision filed by the petitioner against the said order was

2 Rules, 2016

dismissed by the learned Commissioner vide order dated 03.07.2025, merely reiterating the findings of the Collector without independent consideration of the material on record.

10. It is argued that both the impugned orders dated 23.11.2024 and 03.07.2025 are cursory, mechanical, arbitrary, and devoid of any application of judicial mind, inasmuch as both the authorities have failed to consider the recommendation of the Tehsildar and the medical exigencies of the petitioner. The orders suffer from manifest error apparent on the face of the record, as the authorities below have faltered both on questions of fact and law.

11. Counsel for the petitioner has urged that in terms of the Explanation appended to sub-rule (8) of Rule 99 of Rules, 2016[3], if the condition enumerated in Clause (d) is not fulfilled but any of other conditions enumerated in Clauses (a) to (c) are fulfilled, permission can be granted.

12. Learned counsel asserts that the application had been made by stating that the petitioner was suffering from a serious disease and, therefore, irrespective of non-fulfillment of the condition in Clause (d), the permission ought to have been granted. In this regard, reliance has been placed on the decisions of this Court in **Sitaram vs. State of U.P. and Others**[4], **Smt. Omwati Vs. Collector District Pilibhit And 2 Others**[5]and **Bajrangi vs. State of U.P. and Others**[6].

13. In particular, attention of this Court is invited to the decision in the case of **Bajrangi** (supra), wherein the scope and intent of Section 98 of the U.P. Revenue Code, 2006 and Rule 99(8) of the U.P. Revenue Code Rules, 2016 were elaborately considered. Referring to **Maxwell on The Interpretation of Statutes**[7] and the decisions in, **Smt. Krishna Shri Gupta v. State of U.P. and Others**[8]**, Fakir Mohd. v. Sita Ram**[9]**, Guru**

3 Rules, 2016
4 2022 (5) ADJ 90
5 2023 (1) ADJ 280
6 2023 (7) ADJ 598
7 Maxwell on The Interpretation of Statutes, Twelfth Edition
8 2020 (3) ADJ 358
9 (2002) 1 SCC 741

Nanak Dev University vs. Sanjay Kumar Katwal and another[10] **G.P. Ceramics (P) Ltd. Vs. Commissioner**[11]**, Trade Tax, Uttar Pradesh Lord Halsbury in Mersey Docks and Harbour Board vs. Henderson**[12], it was observed as follows:

> "23. ...it may be noticed that in terms of sub rule (8) of Rule 99, the Collector is required to record his satisfaction with regard to the fulfillment of conditions contained under Clauses (a), (b), (c), (d) and (e). It may further be noticed that Clauses (a), (b), (c) and (d), are connected, by the word 'or', and Clause (e) is connected by using the word 'and'.
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> 24. The conjunctions 'and' and 'or' are two of the elemental words in the English Language— 'and' combines items while 'or' creates alternatives.
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> 25. In Maxwell on The Interpretation of Statutes, it has been observed as follows:
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> " in ordinary usage, 'and' is conjunctive and 'or' disjunctive".
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> 26. It was held by this Court in *Smt. Krishna Shri Gupta* v. *State of U.P. and Others* that in the context of statutory interpretation, the word 'or' has generally been construed as being disjunctive. The relevant observations made in the judgment are as follows:
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> "25. In logic, mathematics and in the context of statutory interpretation, the word "or" has generally been construed as being disjunctive i.e. connective that marks alternatives. It has been used to connect words, phrases or classes representing alternatives."
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> 27. In *Fakir Mohd.* v. *Sita Ram,* it was held that the word 'or' is normally disjunctive. The use of the word 'or' in a statute manifests the legislative intent of the alternatives prescribed under law.
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> 28. In the case of *Guru Nanak Dev University* vs. *Sanjay Kumar Katwal and Another*, it was held that the use of 'or' between two qualifications conveyed a disjunctive sense indicating alternatives and possession of either of the qualifications would be held to be sufficient. It was reiterated that the word 'or' is normally used in the disjunctive sense unless the context warrants otherwise.
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> 29. The interpretation of the word 'or' in the context of an exemption notification issued under the U.P. Trade Tax Act, 1948 came up for consideration in the case of *G.P. Ceramics (P) Ltd.* Vs. *Commissioner, Trade Tax, Uttar Pradesh*, and it was held that the three contingencies

10 (2009) 1 SCC 610
11 (2009) 2 SCC 90
12 (1888) 13 AC 595 (HL)

provided for under the notification which were connected by the word ‘or’, were disjunctive in nature.

30. In this regard, reference may also be had to the observations made by *Lord Halsbury in Mersey Docks and Harbour Board* Vs. *Henderson*, which are as follows : -

“ I know no authority for such a proceeding unless the context makes the necessary meaning of “or” “and” as in some instances it does; but I believe it is wholly unexampled so to read it when doing so will upon one construction entirely alter the meaning of the sentence unless some other part of the same statute or the clear intention of it requires that to be done.”

31. It would therefore be seen that the meaning of the word ‘or’ as a tool of statutory construction has been subject matter of consideration in a number of decisions, and it has been consistently held that the word ‘or’ is normally disjunctive and its use in a statute manifests the legislative intent of the alternatives prescribed under law.

32. In the instant case the use of the word ‘or’ as a connective between Clauses (a), (b), (c) and (d), is indicative of the disjunctive sense marking the four alternative conditions. It would follow as a consequence that in the event either of the conditions under Clauses (a), (b), (c) or (d) are fulfilled, the same would have to be held sufficient for the purposes of recording of satisfaction by the Collector for grant of approval.

33. The condition under Clause (d), which is in the nature of an injunctive clause, in terms whereof it is provided that area of land held by the applicant on the date of the application, should not after transfer, reduce to less than 1.26 hectares, has been clarified by the explanation which is appended to sub rule (8).

34. The intent, purpose and effect of an Explanation appended to a statutory provision was considered in S. Sundaram Pillai Vs. V.R. Pattabiraman and others[13]. It was held that the Explanation is meant to explain or clarify certain ambiguities in the provision. Referring to earlier decisions in Burmah Shell Oil Storage and Distributing Co. of India Ltd. v. *CTO*[14], Bihta Cooperative Development Cane Marketing Union Ltd. v. Bank of Bihar[15], Hiralal Rattanlal Vs. State of U.P.[16], Dattatraya Govind Mahajan v. State of Maharashtra[17] and also the principles laid down in Sarathi in Interpretation of Statutes[18], Swarup in Legislation and Interpretation[19] and Bindra in Interpretation of Statutes[20], the object of an Explanation to a statutory provision was elaborated, and it was observed as follows:

13 (1985) 1 SCC 591
14 AIR 1961 SC 315
15 AIR 1967 SC 389
16 (1073) 1 SCC 216
17 (1977) 2 SCC 548
18 Sarathi, Interpretation of Statutes
19 Swarup, Legislation and Interpretation
20 Bindra, Interpretation of Statutes

> "53. Thus, from a conspectus of the authorities referred to above, it is manifest that the object of an Explanation to a statutory provision is-
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> (a) to explain the meaning and intendment of the Act itself,
>
> (b) where there is any obscurity or vagueness in the main enactment, to clarify the same so as to make it consistent with the dominant object which it seems to subserve,
>
> (c) to provide an additional support to the dominant object of the Act in order to make it meaningful and purposeful,
>
> (d) an Explanation cannot in any way interfere with or change the enactment or any part thereof but where some gap is left which is relevant for the purpose of the Explanation, in order to suppress the mischief and advance the object of the Act it can help or assist the Court in interpreting the true purport and intendment of the enactment, and
>
> (e) it cannot, however, take away a statutory right with which any person under a statute has been clothed or set at naught the working of an Act by becoming an hindrance in the interpretation of the same."

35. The effect and intendment of an explanation is to be determined by its own words. In certain cases an explanation may be introduced *ex abundanti cautela* i.e. by way of abundant caution in order to clear any possible ambiguities surrounding the meaning of the statutory provision and to place what the legislature considers to be the true meaning beyond controversy or doubt.

36. The Explanation appended to sub rule (8) provides that if the condition enumerated in Clause (d) of the sub rule is not fulfilled but any of the conditions enumerated in Clauses (a) to (c) of the sub rule are fulfilled, the permission under Section 98(1) may be granted.

37. The import of the Explanation would therefore be that even in a case where the area of land held by the applicant on the date of application, reduces to less than 1.26 hectares after the transfer, permission may still be granted in the event either of the conditions specified in Clauses (a) to (c) is fulfilled.

38. The use of 'or' between Clauses (a) to (d) of sub rule (8), as noticed earlier, conveys a disjunctive sense indicating alternatives and fulfillment of the conditions specified in either of the clauses would be a sufficient ground on the basis of which permission under Section 98(1) may be granted.

39. It would be relevant to underscore that while fulfillment of either of the conditions specified under Clauses (a) to (d), aforesaid, would be 'sufficient', none of these conditions can be held to be 'necessary'. To put it in other words, in a case where one of the conditions under

Clauses (a) to (d) are fulfilled, non-fulfillment of any other condition would be of no consequence.

40. In logic and mathematics, ‘necessity‘ and ‘sufficiency‘ are terms used to describe a conditional or implicational relationship between two statements. In general, a ‘necessary condition’ is one that must be present in order for the other condition to occur, while a ‘sufficient condition’ is one that produces the said condition.

41. It can therefore be said that a ‘necessary condition’ is a condition that must be present for an event to occur whereas a ‘sufficient condition’ is a condition or set of conditions that will produce the event.

42. A ‘sufficient condition’ would on its own produce the result but its absence cannot lead to an inference that the result would not be produced. A causal fallacy occurs when one assumes that a sufficient condition is necessary for the event to occur.

43. Applying the aforestated principles, in the context of sub rule (8), the conditions specified in each of the Clauses (a) to (d), would have to be held sufficient, though neither of them is necessary.

44. The Explanation appended to sub rule (8) seeks to clarify the position that the non-fulfillment of the condition with regard to the requirement that area of land held by the applicant consequent to the transfer does not reduce to less than 1.26 hectares, as provided under Clause (d), would not create a bar in the grant of permission under Section 98(1), in the event any of the conditions enumerated in Clauses (a) to (c) is fulfilled.”

14. Learned Additional Chief Standing Counsel appearing on behalf of the State-respondents has fairly stated that the legal proposition relied upon by the learned counsel for the petitioner is not in dispute.

15. It would be relevant to notice that Section 98 of the Code mandates that no bhumidhar belonging to a scheduled caste shall have the right to transfer, by way of sale, gift, mortgage or lease any land to a person not belonging to a scheduled caste except with the previous permission of the Collector in writing. The previous permission of the Collector is therefore, a condition precedent before any bhumidhar of scheduled caste can seek to transfer his land to a person not belonging to a scheduled caste. In the absence of such permission having been obtained, the transfer would be rendered void as per Section 104, and would be subject to the consequences provided under Section 105.

16. The proviso to Section 98 enumerates the conditions under which permission may be granted by the Collector, and the same are as follows:

(i) the bhumidhar belonging to a scheduled caste has no surviving heir specified in clause (a) of sub- Section (2) of Section 108 or clause (a) of Section 110, as the case may be; or

(ii) the bhumidhar belonging to a scheduled caste has settled or is ordinarily residing in the district other than that in which the land proposed to be transferred is situate or in any other State for the purpose of any service or any trade, occupation, profession or business; or

(iii) the Collector is, for the reasons prescribed, satisfied that it is necessary to grant the permission for transfer of land.

17. The reasons prescribed, as referred to under clause (c) of the proviso to Section 98(1), upon which the Collector is to record its satisfaction that it is necessary to grant permission for transfer of the land, are specified under sub-rule (8) of Rule 99 of the Rules, 2016, and the same are as follows:

(i) the conditions of clause (a) or clause (b) of subSection (1) of Section 98 are fulfilled; or

(ii) the tenure holder or any member of his family is suffering from any fatal disease regarding which the certificate has been issued by any physician or surgeon specialist in the disease concerned and the permission for transfer is necessary to meet out the expenses for the treatment of such disease; or

(iii) the applicant is seeking permission under Section 98(1) of the Code for the proposed transfer to purchase any other land from the consideration of such proposed transfer and the facts in this regard in the application are supported with certified copy of a registered agreement to sell in favour of the applicant; or

(iv) the area of land held by the applicant on the date of application does not, after such transfer, reduce to less than 1.26 hectares, and

(v) if the permission is being sought for transfer by sale the consideration for the transfer of the land is not below the amount calculated as per the circle rate fixed by the Collector;

18. The permission to be granted for transfer to a bhumidhar belonging to a scheduled caste under Section 99 would have to be based on the following conditions :

(i) in the absence of surviving heir specified in clause (a) of sub-Section (2) of Section 108 or clause (a) of Section 110;

(ii) the transferor has settled or is ordinarily residing in the district other than that in which the land proposed to be transferred is situate or in any other State for the purpose of any service or any trade, occupation, profession or business;

(iii) for the reasons prescribed under the Rules, i.e.

(a) the tenure holder or any member of his family is suffering from any fatal disease; or

(b) the applicant is seeking permission for the proposed transfer to purchase any other land from the consideration of such proposed transfer; or

(c) the area of land held by the applicant on the date of application does not, after such transfer, reduce to less than 1.26 hectares, and

(d) if the permission is being sought for transfer by sale the consideration is not below the amount calculated as per the circle rate fixed by the Collector.

19. The Explanation to Rule 99 clarifies that in a situation where any condition enumerated in clause (a) to (c) of sub-rule (8) of Rule 99 is fulfilled, permission may be granted even if the holding of the bhumidhar (transferor) after such transfer reduces to less than 1.26 hectares.

20. The procedure for obtaining permission for transfer under Section 98 is provided for under Rule 99 of the Rules, 2016 and as per sub-rule (3) thereof an application seeking permission to transfer land by way of sale or gift or for permission to bequeath land by will, as the case may

be, is to be made by a bhumidhar with transferable rights belonging to scheduled caste to the Collector in RC- Form 27. Upon receipt of such an application, the Collector under sub-rule (4) shall make an enquiry as he may, in the circumstances of the case deem necessary. For the purpose he may depute an officer not below the rank of Naib Tehsildar for: (a) verification of the facts stated in the application; and (b) reporting the circumstances in which permission for transfer is sought. Thereafter, under sub-rule (5), the inquiry officer shall submit the report in duplicate within a period of 15 days from the date of receiving the order of such enquiry. The copy of the report is to be supplied to the applicant under sub-rule (6) whereupon the applicant may file objections against the report within a period of seven days and thereafter the Collector upon being satisfied that any of the conditions under sub-rules (8)(a) to (d), and sub-rule (8)(e) of Rule 99, are fulfilled, may grant permission after recording reasons.

21. In a case where the application has been made as per the prescribed procedure and upon due enquiry as provided under the Rules, 2016 either of the aforestated conditions are held to be satisfied, the permission is required to be granted for transfer under Section 98.

22. The aforementioned legal position with regard to the interpretation of the provisions contained under Section 98 of the Code, 2006 and Rule 99 of the Rules, 2016 which relate to the restrictions on transfer by *bhumidhars* belonging to a Scheduled Caste and the manner in which permission may be granted for the purpose by the Collector, were subject matter of consideration in the decisions of this Court in **Sitaram** (supra) and **Smt. Omwati** (supra) which have been relied upon by counsel for both the parties.

23. Section 98 of the Code, 2006 can thus be seen to regulate the transfer of land by bhumidhars belonging to Scheduled Castes, requiring previous written permission from the Collector for any sale, gift, mortgage, or lease to persons who are not members of the Scheduled Castes. In the absence of such permission, any transfer becomes void

under Section 104 and is subject to further consequences under Section 105**.**

24. The restriction imposed under Section 98 is mandatory by providing that a bhumidhar belonging to scheduled caste cannot transfer land to a non-scheduled caste except with the Collector's prior permission in writing. The law thus aims to protect the landholding of vulnerable sections and prevent distress sales.

25. In **Sitaram** (supra), it was held that the exercise of discretion by the Collector must be rooted strictly in relevant statutory conditions and considerations set out in Section 98 read with Rule 99(8). Any consideration outside these statutory conditions cannot be a valid ground for permission or refusal. Reference to irrelevant factors is impermissible and renders the decision ultra vires and void. The Collector must record findings only on the legally specified factors, and decisions influenced by extraneous considerations would not withstand judicial scrutiny.

26. In **Bajrangi** (supra) similar issues regarding the permission to transfer land by a bhumidhar belonging to scheduled caste were addressed. The judgment reiterated that the statutory scheme must be scrupulously followed; discretionary powers may only be exercised within the scope of Section 98 and relevant rules. Any deviation or reliance on irrelevant factors, not specified under the proviso or Rule 99(8), would render the order invalid and liable to be set aside. It was emphasized that the Collector when considering permission for land transfer under Section 98, was required to apply only the statutorily enumerated conditions under Rule 99(8) and that any extraneous requirement or condition was impermissible.

27. The Explanation to Rule 99(8) of the Uttar Pradesh Revenue Code Rules, 2016 is anchored in balancing protection to the vulnerable class of landholders with necessary flexibility in land transfer transactions.

28. The primary legislative intent behind Section 98 and Rule 99(8) is to safeguard scheduled caste bhumidhars from losing their land through distress sales or unjust transfers, thus securing social and economic stability for marginalized communities. The Explanation reinforces this protective purpose by ensuring that transfers are controlled and permissible only under specific enumerated conditions.

29. While keeping the need for protection as paramount, the Explanation recognizes practical realities—such as changing family circumstances or health conditions—that might require transfers causing landholdings to fall below the minimum prescribed area. By allowing permission if any one of the other statutory conditions is met despite the area condition not being fulfilled, the Explanation injects reasonable flexibility. This prevents rigidity that may result in undue hardship.

30. The Explanation embodies the principle that administrative discretion in the form of Collector’s permission must be exercised within a clear statutory framework with precise criteria to avoid arbitrariness and overreach. It seeks to uphold the rule of law by limiting discretion to specified grounds, thereby promoting transparency, predictability, and accountability in land transfer permissions.

31. An attempt has been made to protect the historically disadvantaged groups while not unduly restricting their ability to manage property. It aims for equitable treatment where protections coexist with reasonable exceptions to facilitate genuine needs. In essence, the Explanation to Rule 99(8) is aimed at protecting scheduled caste landholdings from exploitation while allowing pragmatic exceptions under clearly defined conditions to ensure fairness and justice.

32. The law laid down in case of **Bajrangi** (supra) makes it clear that in terms of the Explanation appended to sub-rule (a) if the condition enumerated in Clause (d) of sub-rule is not fulfilled but any of the conditions enumerated in Clause (a) to (c) of the sub-rule are fulfilled, permission under Section 98(1) may be granted.

33. The material brought on record in the present case indicates that the application submitted by the petitioner seeking permission under Section 98(1) of the U.P. Revenue Code, 2006, was accompanied by the requisite documents and was duly supported by the report of the Sub-Divisional Magistrate, dated 14.11.2024, recommending the grant of permission. The said report does not make any observation indicating that, upon completion of the proposed sale, the petitioner would be rendered landless or that the remaining area of land held by him would fall below the threshold prescribed under Rule 99(8)(d) of the Rules, 2016.

34. Notwithstanding the aforesaid, the Collector proceeded to reject the petitioner's application by observing that the proposed sale would result in the petitioner becoming landless, a finding which is *ex facie* contrary to the record and unsupported by any factual material. The Commissioner, while considering the revision, has mechanically reiterated the reasoning of the Collector without any independent application of mind. Both orders thus suffer from a manifest error apparent on the face of the record.

35. The Collector, while exercising jurisdiction under Section 98(1), is required to record satisfaction regarding the fulfillment of any of the conditions enumerated in clauses (a) to (e) of sub-rule (8) of Rule 99. The conjunction ***'or'*** **connecting clauses (a) to (d) conveys a disjunctive sense**, indicating that **fulfillment of any one of the conditions would suffice** for the purpose of granting permission. The legislative intent is, therefore, clear that the existence of one qualifying circumstance is adequate to justify the grant of permission, and not all the conditions are required to coexist.

36. The Explanation appended to sub-rule (8) of Rule 99 further clarifies that even where the condition under clause (d) relating to the holding of not less than 1.26 hectares of land after transfer is not satisfied, permission may still be granted if any of the conditions under clauses (a) to (c) are fulfilled. The object of the Explanation is to remove

any ambiguity by ensuring that the inability to satisfy the quantitative condition of residual holding does not automatically preclude the Collector from exercising his discretion in deserving cases.

37. The interpretation of the conjunction *'or'*, as enunciated in the decisions **G.P. Ceramics (P) Ltd., Guru Nanak Dev University and Smt. Krishna Shri Gupta**, (supra) makes it abundantly clear that ***'or'*** is to be read in its ordinary disjunctive sense, except where the context unambiguously warrants a conjunctive construction. No such exception arises in the present context. Accordingly, the **conditions under clauses (a) to (d)** of sub-rule (8) must be treated as **alternative**, not **cumulative**.

38. Applying the aforesaid principles, it is evident that the petitioner's case was fully covered under clause (c) of sub-rule (8) inasmuch as he sought permission to transfer his land for the purpose of purchasing another parcel of land, as duly supported by the documentary evidence. Once such condition stood satisfied, the question of examining whether the residual holding after transfer was less than 1.26 hectares became irrelevant in view of the Explanation appended to Rule 99(8).

39. Having regard to the aforesaid, the orders dated 23.11.2024 passed by the respondent no.3 in Case No. 4481 of 2024 (Ramautar @ Ramavtar vs. State of U.P.) and dated 03.07.2025 passed by the respondent no.2 in Case No. 891 of 2025 (Ramautar @ Ramavtar vs. State of U.P.) are set aside, and the matter is remitted back to respondent no.3 for passing a fresh order after recording due consideration to the application of the petitioner in view of the observations made in this judgment.

40. The writ petition is **allowed** to the extent, as indicated above.

(Dr. Yogendra Kumar Srivastava, J.)

October 9, 2025
Imroz

Digitally signed by :-
MOHAMMAD IMROZ KHAN
High Court of Judicature at Allahabad