131442 - Should he issue papers for someone to show that he owns neglected land that belongs to the state?

the question

There is some neglected land in a place that is remote from the city that belongs to the state but no one is using it. Is it permissible to issue papers showing that this land belongs to some person so that he can sell it and benefit from it?.

Detailed answer

Praise be to Allah.

Land that has no owner and does not serve and purpose– such as watercourses, places where firewood is gathered, grazing land and public amenities – may be taken possession of by reviving it, because the Prophet (blessings and peace of Allah be upon him) said: “Whoever revives disused land, it becomes his.” Narrated by Abu Dawood (3073) and at-Tirmidhi (1378); classed as hasan by al-Haafiz Ibn Hajar in Buloogh al-Maraam (897); he also mentioned other isnaads for this hadeeth in al-Fath (5/19), then he said: There is some weakness in its isnaads, but they strengthen one another. See also Irwa’ al-Ghaleel (5/553).

Reviving land may be done by building fences around it, digging a well in it and extracting water from it, or diverting a stream of water to it.

It says in Zaad al-Mustaqni‘: The one who encloses disused land, or digs a well in it and finds water, or brings water to it from a spring, and the like, or diverts water away from it in order to cultivate it, has revived it. End quote. See also ash-Sharh al-Mumti‘ (10/329). If this person has revived the land in the manner referred to above, it is permissible to issue papers to him so that he might take possession of it.

But if he has not revived it, it is not permissible to do that, because that involves lying, bearing

false witness and consuming wealth unlawfully. For more information please see the answer to question no. 26344

And Allah knows best.