

## **Mutation Entries on Revenue Records Do Not Confer Title- Supreme Court**

In practice, more often than not, in a dispute over title of a land/property, it is seen that the parties assert their title by placing reliance upon their name being reflected in the revenue records. On this point, recently, the Supreme Court, with characteristic clarity in *Smt. Bhimabai Mahadeo Kambekar (D)Th. LR Vs. Arthur Import and Export Company*, once again clarified the law that the mutation entry in the revenue records does not create or extinguish title over the land, nor such entry has any presumptive value on the title of such land. The Supreme Court reached the above conclusion, following a series of precedents laying down the above principle of law.

**Facts and Issues:** The dispute with regards to the title began between the parties before the Court of Superintendent of Land Records. Thereafter, it reached the Deputy Director of Land Records in appeal. Then to the State in revision and lastly to the High Court by way of a Writ Petition. Upon dismissal of the Writ by the High Court, the Petitioners approached the Supreme Court by an SLP.

Taking note of the fact that the parties had also initiated civil suits in respect of the land in dispute and the civil suits were pending, the Supreme Court did not go into a detailed factual inquiry involved in the matter.

The Supreme Court discussed the issue regarding the legal value of the mutation entries in the revenue records of any land while deciding the rights of the parties.

The Hon'ble Court first summarized the facts in one of the arbitration petitions which was argued as the lead matter and in view that the facts in the other petitions were identical, the judgment in the lead matter was applied to the other petitions.

**Judgment and Analysis:** Considering the issues involved in the matter, the Supreme Court held that the legal value of a mutation entry in deciding the rights of the parties is well settled on the basis of a series of precedents. The Supreme Court observed that it has been consistently held by it that the mutation entries of land in the revenue records does not create or extinguish the title over any land nor

does such an entry have any presumptive value on the title of such land. Such an entry only enables the person in whose favour the mutation is ordered to pay the land revenue in question.

In reiterating the above settled position of law, the Supreme Court relied upon the following judgments:

- In ***Sawarni (Smt.) Vs. Inder Kaur (1996) 6 SCC 223***, the Supreme Court held that the mutation of a property in the revenue record does not create or extinguish title nor does it have any presumptive value on the title. It only enables the person in whose favour mutation is ordered to pay the land revenue in question.
- In ***Balwant Singh & Anr. Vs. Daulat Singh (dead) by L.Rs. & Ors. (1997) 7 SCC 137***, similar observations were made by the Supreme Court, where it was held that a party is not divested of his title in the suit property as a result of mutation entry.
- In ***Narasamma & Ors. Vs. State of Karnataka & Ors. (2009) 5 SCC 591***, the Supreme Court reiterated the above position by observing that it is true that the entries in the revenue record cannot create any title in respect of the land in dispute.

In view thereof, the position as regards the legal value of the mutation entries in the revenue records is a fairly well-settled position of law.

**Conclusion:** In view of the findings of the Supreme Court in the present case, and as per the law already laid down by the Supreme Court, it is an inevitable conclusion that mutation entries in respect of any land on the revenue records do not create or extinguish title. The mutation entries are only maintained for fiscal purposes, to ensure that the land revenue is paid by the person whose name is recorded thereon.

---

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*