

Dr.K.DHAMODHARAN, M.L., Ph.D (Law)

Advocate & Visiting Professor

Mob:9443306768 E-Mail: sssesn@yahoo.co.in

Can Mututation Entry in Revenue Records confer the Title

A mutation in revenue records denotes the procedure of amending or reallocating ownership information of a property within the land revenue records following a sale, inheritance, gift, or any other kind of ownership transfer

Importance of Mutation

1. **Proof of Ownership** – Establishes the new owner's legal rights in revenue records.
2. **Tax Liability** – The new owner becomes responsible for land/property tax payments.
3. **Avoids Future Disputes** – Helps prevent legal disputes regarding ownership.
4. **Required for Further Transactions** – Essential for selling or mortgaging the property in the future.

Types of Mutation

1. **Mutation Due to Sale** – When a property is sold, the buyer's name is entered in the records.
2. **Mutation Due to Inheritance** – When property is inherited after the owner's death.
3. **Mutation Due to Gift or Will** – When property is transferred as a gift or through a will.
4. **Mutation Due to Partition** – When a property is divided among multiple owners.

When is Mutation Required?

1. After Sale of Property – Buyer's name is updated in revenue records.
2. After Inheritance (Death of Owner) – Legal heirs' names are entered.
3. After Gift or Will Execution – Property transferred as a gift or through a will.
4. After Partition of Property – When property is divided among multiple owners.
5. After Court Order – If property ownership is changed due to a legal dispute.

Documents Required for Mutation

- **Application for Mutation**
- **Copy of Sale Deed / Gift Deed / Will / Succession Certificate** (as applicable)
- **Affidavit & Indemnity Bond**
- **Property Tax Receipt** (latest)
- **Death Certificate** (in case of inheritance)

Mutation Process in India

1. Application Submission – File a mutation application at the local revenue office or online (if available).
2. Document Submission – Provide Sale Deed, Gift Deed, Will, Death Certificate (if applicable), tax receipts, and an affidavit.
3. Verification by Revenue Officer – Documents are verified, and a field inspection may be conducted.
4. Public Notice (if required) – Sometimes, a public notice is issued for objections.
Mutation Entry in Records – If no objections arise, the revenue records are updated with the new owner's name.

Does Mutation Entry in Revenue Records Confer Title?

1. No, mutation entry in revenue records does not, by itself, confer ownership title to a property. It only serves as an administrative record for tax and revenue purposes. However, there are certain circumstances where mutation entry may be considered as proof of ownership when combined with other factors.

General Rule: Mutation Does Not Confer Title

1. Mutation is primarily for revenue records and does not create or transfer ownership rights. Ownership title is derived from valid legal documents such as a Sale Deed, Gift Deed, Will, Court Decree, or Partition Deed.
2. The Supreme Court of India has ruled in multiple cases that mutation entries are only for fiscal purposes and do not confer ownership rights.

Circumstances Where Mutation May Support Ownership Title

1. Mutation Based on a Registered Sale Deed or Transfer Document
2. If mutation is carried out on the basis of a validly registered Sale Deed, Gift Deed, or Partition Deed, it can serve as supporting evidence of ownership.
However, the primary proof of title remains the registered deed, not the mutation entry itself.
Mutation After a Court Decree
3. If mutation is done based on a court decree declaring ownership rights, then it can be considered as proof of title.
For example, if a civil court orders ownership transfer after a legal dispute, mutation based on that decree strengthens ownership claims.
Mutation in Government Grants or Land Settlements
4. In cases where land is allocated by the government, mutation entry may be considered proof of ownership, especially when no other ownership document exists.
Example: Assignment of government land to landless farmers or pattas issued by revenue authorities.
5. Long Possession with Continuous Mutation Entries
6. If a person has been recorded as the property owner in revenue records for a long time without any dispute, and no one else claims ownership, then mutation entry may help establish ownership through adverse possession. However, mere mutation entry without possession and legal title does not confer ownership.

Key Legal Precedents on Mutation and Ownership

1. Balwant Singh v. Daulat Singh (1997) – The Supreme Court held that mutation entries are only for revenue purposes and do not confer ownership rights.
2. Krishna Bhat v. Krishna Bai (2021) – The Court ruled that a mutation entry alone cannot establish ownership title unless backed by legal ownership documents.
3. State of A.P. v. Star Bone Mill & Fertilizer Co. (2013) – The Court clarified that mutation does not create or extinguish ownership rights but is merely an update of revenue records.

Legal Implications

1. Mutation does not confer ownership rights but only updates revenue records.
2. Title of property is primarily determined by the registered sale deed or legal documents
3. Mutation is essential for tax and revenue purposes but does not confer ownership title.
4. Ownership is proven by legal documents like a registered Sale Deed, Will, Court Order, or Government Grant.
5. Mutation can serve as supporting evidence but not the primary proof of ownership.
6. Courts have consistently ruled that mutation alone cannot determine ownership rights.

For more information on Property Registration
Contact our Network -9443306768