



2025:AHC-LKO:68864

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 10297 of 2025

Ram Kripal And Another

.....Petitioner(s)

Versus

Addl. Commissioner Judicial, Ayodhya Mandal, Ayodhya
And Others

.....Respondent(s)

Counsel for Petitioner(s) : Girish Kumar Pandey, Sher Bahadur Yadav
Counsel for Respondent(s) : C.S.C., Prashant Vikram Singh

Court No. - 5

HON'BLE ALOK MATHUR, J.

1. Heard Sri Sher Bahadur Yadav, learned counsel for the petitioners, learned Standing counsel on behalf of respondent No.s 1, 2 and 3 and Sri Prashant Vikram Singh for opposite party No.4.
2. The dispute in the present case pertains to the land situated at gata No.s 133/0.3990 hectare, 138/0.4610 hectare, 113 Ga/0.0130 hectare and 141/0.0540 hectare at Village Mangrawa, Pargana Aldemau, Tehsil Kadipur, District Sultanpur.
3. It has been submitted by learned counsel for the petitioner that the land belongs to one Prabhudeen son of Jeevan Lal, who had executed a registered will deed on 28.5.2001 in favour of the petitioners while on the other hand private respondents have claimed the said property on the basis of a registered will deed dated 1.9.1997 executed by Prabhudeen. The aforesaid dispute with regard to validity of both the wills came to be adjudicated by Tehsildar (Judicial), Tehsil Kadipur, District Sultanpur by means of order dated 22.6.2024. The proceedings under Section 34/35 were instituted on an application of the petitioner and the application of the petitioner was rejected and the property was directed to be mutated in the name of opposite party No.4. Against the order dated 2.6.2024, the petitioner had preferred an appeal before Sub Divisional Magistrate, Sultanpur which was also rejected by means of order dated 21.9.2024 and lastly the revision against the said order has also been rejected by Additional Commissioner (Judicial), Ayodhya Division, Ayodhya by means of order dated 29.9.2025 and accordingly all the three orders have been assailed in the present writ petition.
4. It is noticed that there are two sets of parties in the present case and both are asserting their rights over the disputed property of Prabhudeen on the basis of two registered will deeds dated 28.5.2001 and 1.9.1997 and both are questioning the will deed made in favour of the other party. The claim of the petitioner has been rejected by all the three revenue authorities and accordingly the petitioner has challenged the findings recorded by the authorities below and prayed for

allowing the writ petition and setting aside all the impugned orders.

5. Learned counsel for the private opposite parties have opposed the writ petition and submitted that there is no infirmity in the findings recorded by the authorities below and prayed for dismissal of the writ petition.
6. Having heard the rival contentions of the parties, it is noticed that the present proceedings are mutation proceedings where the petitioner as well as opposite party No.4 are staking their claim to the disputed property on the basis of two separate registered wills dated 28.5.2001 and 1.9.1997.
7. It is in the aforesaid circumstances that this Court has considered the fact that consistent view was taken by this Court in such disputed questions of the mutation that firstly the mutation proceedings are only confined for the purpose of a person who is liable to pay revenue and do not declare the title or rights of any party and the said property in case the petitioner wishes to ascertain his title to the disputed land only remedy open is to file a suit before a court of competent jurisdiction which after receiving evidences and recording finding in favour of either of the parties.
8. The question of the maintainability of a writ petition against orders passed in mutation proceedings has come up before this Court earlier and it has consistently been held that normally the High Court in exercise of its discretionary jurisdiction does not entertain writ petitions against such orders which arise out of summary proceedings.

9. In the case of **Jaipal Vs. Board of Revenue, U.P., Allahabad & Ors. AIR 1957 ALL 205**, notice was taken of the consistent practice of this Court not to interfere with the orders made by the Board of Revenue in cases in which the only question at issue was whether the name of the petitioner should be entered in the record of rights. The observations made in the judgment in this regard are as follows:-

"3. ...It has however been the consistent practice of this Court not to interfere with orders made by the Board of Revenue in cases in which the only question at issue is whether the name of the petitioner should be entered in the record of rights. That record is primarily maintained for revenue purposes and an entry therein has reference only to possession. Such an entry does not ordinarily confer upon the person in whose favour it is made any title to the property in question..."

10. The question with regard to the maintainability of a writ petition arising out of mutation proceedings fell for consideration in the case of **Sri Lal Bachan Vs. Board of Revenue, U.P., Lucknow & Ors., 2002 (93) RD 6**, and it was held that the High Court does not entertain a writ petition under Article 226 of the Constitution of India for the reason that mutation proceedings are only summarily drawn on the basis of possession and the parties have a right to get the title adjudicated by regular suit. The observations made in the judgment are extracted below:-

"11. This Court has consistently taken the view as is apparent from the decisions of this Court referred above that writ petition challenging the orders passed in mutation proceedings are not to be entertained. To my mind, apart from there being remedy of getting the title adjudicated in regular suit, there is one more reason for not entertaining such writ petition. The orders passed under Section 34 of the Act are only based on possession which do not determine the title of the parties. Even if this Court entertains the writ petition and decides the writ petition on merits, the orders passed in mutation

proceedings will remain orders in summary proceedings and the orders passed in the proceedings will not finally determine the title of the parties."

11. Reiterating a similar view in the case of **Bindeshwari Vs. Board of Revenue & Ors., 20025 (1) AWC 498**, it was stated that mutation proceedings do not adjudicate the rights of parties and orders passed in the said proceedings are always subject to adjudication by the competent court and therefore a writ petition against an order in mutation proceedings would not be entertainable. It was observed as follows:-

"11. ...The present writ petition arising out of the summary proceeding of mutation under Section 34 of U.P. Land Revenue Act, cannot be entertained under Article 226 of the Constitution of India. The mutation proceedings do not adjudicate the rights of the parties and orders passed in the mutation are always subject to adjudication by the competent court."

12. The settled legal position that orders of mutation are passed on the basis of possession and since no substantive rights of the parties are decided, ordinarily a writ petition would not be entertainable against such orders unless the same are found to be wholly without jurisdiction or have the effect of rendering findings which are contrary to title already decided by a competent court, was reiterated in the case of **Vinod Kumar Rajbhar Vs. State of U.P. and others, 2012 (1) ADJ 792**.

13. Taking note of the nature and scope of mutation proceedings which are summary in nature and also the fact that orders in such proceedings are passed on the basis of possession of the parties and no substantive rights are decided, this Court in **Buddh Pal Singh Vs. State of U.P. & Ors., 2012 (5) ADJ 266**, restated the principle that ordinarily a writ petition in respect of orders passed in mutation proceedings is not maintainable. It was observed as follows:-

"7. It is equally settled that the orders for mutation are passed on the basis of the possession of the parties and since no substantive rights of the parties are decided in mutation proceedings, ordinarily a writ petition is not maintainable in respect of orders passed in mutation proceedings unless found to be totally without jurisdiction or contrary to the title already decided by the competent court. The parties are always free to get their rights in respect of the disputed land adjudicated by competent court."

14. The proposition that mutation entries in revenue records do not create or extinguish title over land nor such entries have any presumptive value on title has been restated in a recent decision in the case of **Bhimabai Mahadeo Kambekar Vs. Arthur Import and Export Company & Ors., (2019) 3 SCC 191**, placing reliance upon earlier decisions in **Balwant Singh Vs. Daulat Singh¹¹ and Narasamma Vs. State of Karnataka, (2009) 5 SCC 591**. The observations made in the judgment are as follows:-

"6. This Court has consistently held that mutation of a land in the revenue records does not create or extinguish the title over such land nor has it any presumptive value on the title. It only enables the person in whose favour mutation is ordered to pay the land revenue in question. (See Sawarni v. Inder Kaur, Balwant Singh v. Daulat Singh and Narasamma v. State of Karnataka)."

15. Reference may also be had to the judgment in **Faqrudin Vs. Tajuddin, (2008) 8 SCC 12**, wherein it was held that the revenue authorities cannot decide questions of title and that mutation takes place only for certain purposes. The observations made in this regard are as follows:-

"45. Revenue authorities of the State are concerned with revenue. Mutation takes place only for certain purposes. The statutory rules must be held to be operating in a limited sense... It is well-settled that an entry in the revenue records is not a document of title. Revenue authorities cannot decide a question of title."

16. A similar observation was made in **Narain Prasad Aggarwal Vs. State of Madhya Pradesh, (2007) 11 SCC 736**, wherein it was held as follows:-

"19. Record-of-right is not a document of title. Entries made therein in terms of Section 35 of the Evidence Act although are admissible as a relevant piece of evidence and although the same may also carry a presumption of correctness, but it is beyond any doubt or dispute that such a presumption is rebuttable..."

17. In **Union of India and others Vs. Vasavi Cooperative Housing Society Limited & Ors., (2014) 2 SCC 269**, the principle that entries in revenue records do not confer any title was reiterated and referring to the previous decisions in **Corpn. of the City of Bangalore v. M. Papaiah, (1989) 3 SCC 612; Guru Amarjit Singh v. Rattan Chand, (1993) 4 SCC 349**, and **H.P. v. Keshav Ram, (1989) 11 SCC 257**, it was stated thus :-

"21. This Court in several judgments has held that the revenue records do not confer title. In Corpn. of the City of Bangalore v. M. Papaiah this Court held that: (SCC p. 615, para 5)

"5. ...It is firmly established that the revenue records are not documents of title, and the question of interpretation of a document not being a document of title is not a question of law."

In Guru Amarjit Singh v. Rattan Chand this Court has held that: (SCC p. 352, para 2)

"2. ...that entries in the Jamabandi are not proof of title."

In State of H.P. v. Keshav Ram this Court held that: (SCC p. 259, para 5)

"5. ...an entry in the revenue papers by no stretch of imagination can form the basis for declaration of title in favour of the plaintiffs."

18. A similar view was taken in the case of **Sawarni (Smt.) Vs. Inder Kaur (Smt.) and others, (1996) 6 SCC 223**. and it was observed that the mutation of name in the revenue records does not have the effect of creating or extinguishing the title nor has any presumptive value on title and it only enables the person concerned to pay land revenue. It was stated thus :-

"7...Mutation of a property in the revenue record does not create or extinguish title nor has it any presumptive value on title. It only enables the person in whose favour mutation is ordered to pay the land revenue in question..."

19. The principle that an entry in revenue records is only for fiscal purpose and does not confer title on a person whose name appears in record-of-rights and title to the property can only be decided by a competent civil court was reiterated in the decision of **Suraj Bhan and others Vs. Financial Commissioner and others, (2007) 6 SCC 186**, and it was stated as follows :-

"9...It is well settled that an entry in revenue records does not confer title on a person whose name appears in record-of-rights. It is settled law that entries in the revenue records or jamabandi have only "fiscal purpose" i.e. payment of land revenue, and no ownership is conferred on the basis of such entries. So far as title to the property is concerned, it can only be decided by a competent civil court..."

20. The legal position that entries in revenue records do not confer any title has been considered and discussed in a recent decisions of this Court in **Harish Chandra Vs. Union of India & Ors., 2019 (5) ADJ 212 (DB)**, and **Mahesh Kumar Juneja and another Vs. Additional Commissioner Judicial Moradabad Division and others, 2020 (146) RD 545** and it was restated that ordinarily orders passed by mutation courts are not to be interfered in writ jurisdiction as they are summary proceedings, and as such subject to a regular

suit.

21. The settled legal position that an entry in revenue records does not confer title on a person whose name appears in record-of-rights and that such entries are only for "*fiscal purpose*" and no ownership is conferred on the basis thereof and further that the question of title of a property can only be decided by a competent civil court has again been restated in a recent decision of the Supreme Court in **Jitendra Singh Vs. State of Madhya Pradesh and others., 2021 SCC OnLine SC 802**, wherein after referring to the previous authorities on the point in **Suraj Bhan Vs. Financial Commissioner, (2007) 6 SCC 186**, **Suman Verma Vs. Union of India, (2004) 12 SCC 58**, **Faqrudin Vs. Tajuddin¹⁴, Rajinder Singh Vs. State of J & K, (2008) 9 SCC 368**, **Municipal Corporation, Aurangabad Vs. State of Maharashtra, (2015) 16 SCC 689**, **T Ravi Vs. B. Chinna Narasimha, (2017) 7 SCC 342**, **Bhimabai Mahadeo Kambekar Vs. Arthur Import & Export Co., (2019) 3 SCC 191**, **Prahlad Pradhar Vs. Sonu Kumhar, (2019) 10 SCC 259** and **Ajit Kaur Vs. Darshan Singh, (2019) 13 SCC 70**, it was observed thus :-

"8. In the case of Suraj Bhan v. Financial Commissioner, (2007) 6 SCC 186, it is observed and held by this Court that an entry in revenue records does not confer title on a person whose name appears in record-of-rights. Entries in the revenue records or jamabandi have only "fiscal purpose", i.e., payment of land revenue, and no ownership is conferred on the basis of such entries. It is further observed that so far as the title of the property is concerned, it can only be decided by a competent civil court. Similar view has been expressed in the cases of Suman Verma v. Union of India, (2004) 12 SCC 58; Faqrudin v. Tajuddin, (2008) 8 SCC 12; Rajinder Singh v. State of J&K, (2008) 9 SCC 368; Municipal Corporation, Aurangabad v. State of Maharashtra, (2015) 16 SCC 689; T. Ravi v. B. Chinna Narasimha, (2017) 7 SCC 342; Bhimabai Mahadeo Kambekar v. Arthur Import & Export Co., (2019) 3 SCC 191; Prahlad Pradhan v. Sonu Kumhar, (2019) 10 SCC 259; and Ajit Kaur v. Darshan Singh, (2019) 13 SCC 70."

22. The mutation proceedings being of a summary nature drawn on the basis of possession do not decide any question of title and the orders passed in such proceedings do not come in the way of a person in getting his rights adjudicated in a regular suit. It is for this reason that it has consistently been held that such petitions are not to be entertained in exercise of powers under Article 226 of the Constitution of India. The consistent legal position with regard to the nature of mutation proceedings, as has been held in the previous decisions, may be stated as follows :-

- (i) mutation proceedings are summary in nature wherein title of the parties over the land involved is not decided;
- (ii) mutation order or revenue entries are only for the fiscal purposes to enable the State to collect revenue from the person recorded;
- (iii) they neither extinguish nor create title;
- (iv) mutation in revenue records does not have any presumptive value on the title and no ownership is conferred on the basis of such entries;
- (v) the order of mutation does not in any way effect the title of the parties over the land in dispute; and
- (vi) such orders or entries are not documents of title and are subject to decision of the competent court.

23. In view of the above, the petition is **dismissed**. The petitioner is at liberty to file suit before competent court of jurisdiction along with an application for interim stay which shall be decided expeditiously in accordance with law.

November 3, 2025
RKM.

(Alok Mathur,J.)