

By e-Mail/FAX

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

No. RDM-CHS-CLRFIC-0004-2018 16449/R&DM dated 7/5/2018

From

Dr. Chandra Shekhar Kumar, IAS.
Principal Secretary to Government .

To

The Secretary, Board of Revenue
All Collectors

Sub- Rejection of Mutation cases on various grounds: clarifications thereof

Sir,

Maintenance of Record of Rights and keeping it up-to-date is the primary responsibility of Tahasildars. Records are updated through mutation proceedings. For timely delivery of Public Services, timeline for uncontested mutation cases is ninety days. It has been brought to notice of this Department that Tahasildars are rejecting mutation cases on various flimsy grounds which is detrimental to the updation of land records. The following instructions are issued for the guidance of Tahasildars.

1. In some instances, Tahasildars are rejecting mutation cases presuming that the sale deed relating to a particular transaction is fraudulently made and void thereby. In this connection, it is reiterated that once a sale deed is registered under the provisions of the Registration Act, 1908, the sale deed remains valid in the eye of law, unless such instrument of sale is declared void or cancelled by the competent Civil Court under section 31 of the Specific Relief Act, 1963. Consequently, the allegation of fraud does not render the transaction or the deed void **ab initio** before the Revenue Officer who is considering mutation. A person who is aggrieved by the sale deed can only approach the competent Civil Court for relief and unless the sale deed is declared void by the Civil Court, mutation cannot be rejected.

2. Rejection of mutation case instituted on the basis of Form-3 in e-Mutation process, due to absence of the vendee / purchaser on the date for hearing of the case or non-production of registered sale deed by the purchaser is strictly prohibited. Since e-Mutation has been rolled out in all Tahasils, the registered sale deeds can be viewed on-line in LRMS software. Hence, the necessity of the presence of vendee / purchaser or production of documents shall be dispensed with at the time of disposal. Only in case of any mutation, where the interim sale deeds are required to assess the flow of title in favour of the purchaser, the production of document shall be insisted upon. The reasonable opportunity of being heard is to be provided to the applicant / purchaser.

3. After passing of the Registration (Odisha Amendment) Act, 2013, the Registering Officer has been mandated U/s-22-A(1) of the Act to refuse to register-

(a) any instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease-