

A SMT. BHIMABAI MAHADEO KAMBEKAR (D) TH. LR.

v.

ARTHUR IMPORT AND EXPORT COMPANY & ORS.

(Civil Appeal No. 1330 of 2019)

B JANUARY 31, 2019

**[ABHAY MANOHAR SAPRE AND
R. SUBHASH REDDY, JJ.]**

Mutation:

C *Mutation entries – Evidentiary value – Held: Mutation of land in revenue records does not create or extinguish the title over such land – It also has no presumptive value on the title – It only enables the person in whose favour mutation is ordered to pay the land revenue in question – Appeal dismissed.*

D *Sawarni (Smt.) v. Inder Kaur (1996) 6 SCC 223 : [1996] 5 Suppl. SCR 165; Balwant Singh & Anr. v. Daulat Singh(dead) by L.Rs. & Ors, (1997) 7 SCC 137; Narasamma & Ors. v. State of Karnataka & Ors. (2009) 5 SCC 591 : [2009] 4 SCR 929 – relied on.*

E **Case Law Reference**

[1996] 5 Suppl. SCR 165	relied on	Para 8
(1997) 7 SCC 137	relied on	Para 8
[2009] 4 SCR 929	relied on	Para 8

F CIVIL APPELLATE JURISDICTION: Civil Appeal No. 1330 of 2019.

From the Judgment and Order dated 30.09.2011 of the High Court of Judicature at Bombay in Writ Petition No. 6235 of 2011.

G Shekhar Naphade, Shyam Divan, Sr.Advs., Mahesh Agarwal, Yatin Shah, Gaurav Goel, Abhikalp Pratap Singh, Ms. S.Lakshmi Iyer, Prateek Rusia, Ms.Aastha Mehta, E.C.Agrawala, Manish Sharma, Mrs.Mayuri Raghuvanshi, Vjom Raghuvanshi, Pranay Raj Singh, Ms.Samiksha, Ms.Deepa M. Kulkarni, Nishant Ramakantrao Katneshwarkar, Ms.Asha Gopalan Nair, Advs. for the appearing parties.

H

The Judgment of the Court was delivered by A

ABHAY MANOHAR SAPRE, J. 1. Leave granted.

2. This appeal is directed against the final judgment and order dated 30.09.2011 passed by the High Court of Judicature at Bombay in Writ Petition No.6235 of 2011 whereby the Single Judge of the High Court dismissed the writ petition filed by the appellants herein. B

3. Few facts need mention *infra* to appreciate the short controversy involved in this appeal.

4. The dispute, which has reached to this Court in this appeal at the instance of one party to such dispute, arises out of and relates to the entries made in the revenue records in relation to the disputed land. C

5. The dispute began from the Court of Superintendent of land records. Thereafter it reached to the Deputy Director of Land Records in appeal. It then reached to the State in revision and lastly, in the High Court in writ petition resulting in passing the impugned order which has given rise to filing of the present appeal by way of special leave in this Court by the appellants. D

6. Heard learned counsel for the parties.

7. The law on the question of mutation in the revenue records pertaining to any land and what is its legal value while deciding the rights of the parties is fairly well settled by a series of decisions of this Court. E

8. 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 it has 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(Smt.) vs. Inder Kaur**, (1996) 6 SCC 223, **Balwant Singh & Anr. Vs. Daulat Singh(dead) by L.Rs. & Ors.**, (1997) 7 SCC 137 and **Narasamma & Ors. vs. State of Karnataka & Ors.**, (2009) 5 SCC 591). F

9. The High Court while dismissing the writ petition placed reliance on the aforementioned law laid down by this Court and we find no good ground to differ with the reasoning and the conclusion arrived at by the High Court. It is just and proper calling for no interference. G

10. It is not in dispute that the civil suits in relation to the land in question are pending in the Courts between the parties. Therefore, it H

- A would not be proper to embark upon any factual inquiries into the question as to whether the entries were properly made or not and at whose instance they were made etc. in this appeal. It is more so when they neither decide the title nor extinguish the title of the parties in relation to the land.
- B 11. In the light of the foregoing discussion, we are not inclined to entertain the submission of Mr. Naphade, learned senior counsel for the appellants when he urged the issues on the facts.
12. To conclude, we find no merit in this appeal. It fails and is accordingly dismissed.

C

Kalpana K. Tripathy

Appeal dismissed.