

## **Frequently Asked Question on Mutation Manual**

### **Mutation of Land Records**

(Training Materials)

#### **Question: What is a Mutation?**

**Answer:** Mutation means change. It is a change of entries in the Record of Rights (ROR) as well as Maps maintained by Tehasildars. It is a fiscal enquiry and it does not create right, title and interest nor extinguishes right, title and interest. Civil Court is competent to decide Right, title and interest.

#### **Question: Why Mutation is required/ necessary?**

**Answer:** Mutation is necessary to update the records so that land revenue is collected from rightful owner/user. After settlement operation is over any change in ownership, land use pattern, change in nature/ characteristics of land should be reflected in the correct ROR so that right type of land revenue (Rent, Cess, Water rate etc.) are collected from the rightful owner in time.

#### **Question: Who is competent to effect mutation?**

**Answer:** The Tehsildar is the authority for mutation proceedings in contested cases and Revenue Inspector is the authority for mutation proceedings in uncontested cases. Tehasildar includes Addl. Tehasildar and any other officer notified by Govt. from time to time.

#### **Question: How mutation proceeding can be started?**

**Answer:** Tehasildar can start mutation proceedings on: ----- (i) receipt of intimation from Sub-Register after registration, (ii) on receipt of intimation from any court, (iii) on receipt of intimation from Land Acquisition Collector, (iv) on receipt of application from any person interested, (v) on receipt of report from Sub-Ordinate Offices, (vi) on his own motion.

#### **Question: How mutation proceeding will be started for different Holdings/ Khatas?**

**Answer:** Separate mutation cases are to be registered for separate Holdings/ Khata No of ROR, where the recorded tenants are same.

**Question: What are points to be noted before effecting Mutation?**

**Answer:** In addition to prima facei valid title coupled with possession other points as mentioned below has to be seen before mutation is effected.

- (a) Whether there is valid permission of Revenue Officer if case land of SC/ST communities have been transferred to non-SC/ non-ST communities.
- (b) Whether land transferred is a ceiling surplus land.
- (c) Whether valid permission is there in case of Chaka holding which is going to be fragmented.
- (d) Whether land in question is of pre-settlement transaction. Mutation proceedings be dropped if it is a Pre-Settlement transaction.
- (e) If land in question is governed by Odisha Hindu Religious Endowment Act, 1951, then whether valid permission from Endowment Commissioner is there.
- (f) If land is of pattadar status/ Lease hold land, whether valid permission of competent Authority is there and terms and condition of lease deed permits to do so.
- (g) If land belongs to Wakf, Board, then whether valid permission of Wakf Board is there.

**Question: What is the General Procedure for Mutation?**

**Answer:**

- On receipt of application a case record has to be opened and entered in to mutation Register.
- Then the case record be sent to Record Room for verification of land status, recorded tenant etc.
- On return from record room if there is insufficiency of information, the applicant may be intimated to rectify defects within a reasonable time.
- After that the applicant may be asked to deposit process fees.
- Thereafter the notice inviting objection from general public having interest in the land shall be invited. The notice period shall be 15 days. The general proclamation has to be made by beat of drum and a copy be given to office Notice Board of Tehasildar/Revenue Inspector and G.P Office Notice Board.

- Then a date be fixed for hearing and applicant along with individual whose interest likely to be affected may be noticed fixing date, time & place to show his documents and claims, if any. Regarding possession enquiry report from sub-ordinates can be obtained.
- If there is no objection from any quarters and Tehasildar/ Revenue Inspector is satisfied about documents and possession then mutation may be allowed. If there is objection then Tehasildar may cause further enquiry and dispose the matter on its own merit. The enquiry by Tehasildar on objection is to be summary in nature. That means elaborate and detail recording of evidence and statement is not necessary.

**Question: Is there any appeal provision against the order of Tehasildar/ Revenue Inspector?**

**Answer:** Generally appeal period is 30 days from the date of passing the order by the authority. In uncontested case there is no/less probability of appeal. There can be appeal on contested cases delt by Tehasildar/ Addl. Tehasildar. The aggrieved party can file appeal to Sub-Collector against order passed by Tehasildar/ Addl. Tehasildar.

If no appeal is filed within stipulated period, the record may be sent to Record Room for correction of ROR and Map.

**Question: Is there any provision for Revision?**

**Answer:** The Collector on his own motion or otherwise can call for record and examine as to whether any order has been passed by mistaken of facts, due to fraud, misrepresentation of facts or due to some material irregularities. Before passing any order on Revision, Collector shall give due /reasonable opportunity to the party likely to be affected by Revisional Order.

**Question: Is there any provision for Review?**

**Answer:** Any person considering himself aggrieved by any decision under this Chapter may apply within thirty days from the date of the decision for a review of the order to the Officer, who passed the said order on the ground of any mistake or error apparent on the face of the record and the Officer may, after giving to

the parties interested a reasonable opportunity of being heard, pass such order thereon as he thinks fit.

**Question: What are registers to be maintained by Office of the Tehasildar in Mutation Court?**

**Answer:** As prescribed Mutation Case Register, Court Fees Register, Objection Petition Register, Register of Process made over to the Nazir for service, Register of Attendance of witness to Revenue Court, Register of Measurement and Mutation Fees are to be maintained.

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