

Uncle opposed claim to grandfather's 12-acre land after father's name was removed; Supreme Court gives relief to children

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Synopsis

Removing name from mutation records can't take away ownership rights to land, rules Supreme Court; Here's what landowners should know. Read the article to know.



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Children gets back their grandfather's 12 acre land even though uncle resisted and mutation record erased their father's name; Supreme Court order explained

A widow and her children, who are legal heirs of late Mr Ramprasad, managed to win back their ownership rights over 12.4 acres of land. This came after her brother-in-law contested their claim, arguing that Ramprasad's name had been removed from mutation records and that he had signed a relinquishment deed.

The Supreme Court ruled that just because Ramprasad's name was taken off the mutation records, it didn't mean he lost his ownership rights. Plus, the relinquishment deed which his brother was relying on was unproved and had no independent witnesses.

What happened in this case?

There's a piece of land measuring 12.41 acres in Indore and a house constructed on this land. This land was owned by late Mr Bhagwansingh, who had two sons Ramprasad and Vasudev.

When Bhagwansingh died, his two sons inherited this land and the house and accordingly updated the mutation records. Back then, the mutation records showed that both the brothers, Ramprasad and Vasudev, owned equal shares of the [property](#).

However, Ramprasad struggled with alcohol addiction. So his wife, Jamnabai, took him back to her village to take care of him. During this time, Jamnabai used to get agricultural proceeds from this land, but whenever she took up the issue of partitioning the land, Vasudev used to defer it by giving some excuse.

On January 1, 2008, Jamnabai came across an advertisement in Dainik Bhaskar newspaper stating that Vasudev was trying to sell the entire land to somebody else. So she went to the mutation office and got certified copies only

to discover that Ramprasad's name has been erased from the mutation records. Instead it now listed Vasudev's son's name.

Jamnabai was understandably upset with the removal of her husband's name from the mutation records and suspected that Vasudev might have done some mischief. So Jamnabai filed a court case in February 13, 2008.

On August 20, 2026, Jamnabai won the case in Supreme Court.

How did Jamnabai win the case?

Shruti Shah, Associate Partner, King Stubb and Kasiva, said to ET Wealth Online: "The Supreme Court restored the concurrent findings of the trial court and the first appellate court, both of which had held that Jamnabai's late husband Ramprasad remained a co-owner of the suit property along with his brother Vasudev, and that this co-ownership had never been lawfully extinguished."

According to Shah, the Supreme Court's central holding, the one most significant for property litigation generally, is that a mutation entry in revenue records is not an instrument of title. It exists purely for fiscal and administrative purposes, and it can neither create nor extinguish ownership.

Relying on its earlier decision in *Sawarni v. Inder Kaur* (1996), the Supreme Court reiterated that a civil court remains fully competent to determine the real state of title even where revenue records show something different, and that the revenue entry must follow title, not create it.

Flowing from this, the Supreme Court found that Ramprasad's name being removed from the mutation records in 1990, in favour of Vasudev and his son Jaswant, did not by itself divest Ramprasad or after him, his legal heirs of their proprietary share. Since Ramprasad's interest survived on paper as well as in substance, the suit filed in 2008 for declaration of co-ownership, partition, and injunction was correctly decreed by the trial court and rightly upheld by the first appellate court.

Shah says that the Supreme Court also held that the High Court, exercising its limited second-appeal jurisdiction under Section 100 CPC, had exceeded its authority by re-appreciating evidence and reversing concurrent findings of fact without there being any demonstrable perversity or error of law which is the only recognised ground for such interference.

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Mutation records vs legal title: What should landowners understand?

Monika Bhonsale, Partner, Real Estate Practice, Trilegal, said to *ET Wealth Online* that in the case of *Sawarni v. Inder Kaur*, it was established that mutation records are maintained primarily for revenue assessment purposes specifically to record the names of owners and regulate who pays the land revenue.

Bhonsale says: "Thus mutation entries do not create, convey, or extinguish

legal ownership. Title cannot be conferred solely on the basis of mutation or revenue records; it must always be supported by underlying registered title documents."

Moreover, a local revenue officer's order substituting or deleting a name in a ledger does not operate as a legal transfer or relinquishment of property rights. Bhonsale says that buyers must independently verify the actual chain of title through registered sale deeds, succession documents, or civil court orders. Relying solely on whose name appears in the revenue records is legally insufficient.

Secretly removing a co-owner's name from a revenue record or absence of a name does not extinguish their inherited proprietary interest. Bhonsale says that a rightful heir's title remains intact, and the right to sue only accrues when they gain actual, documented knowledge of a hostile claim against the property

While revenue entries (mutation), including the deletion of a name, carry a rebuttable presumption of administrative correctness under state land laws, they are not a definitive presumption of title. A civil court remains fully competent to reinstate a legal heir's rights by examining the true chain of succession and the validity of any underlying transactions.

The Supreme Court conclusively reaffirmed that revenue mutation entries serve merely administrative purposes and cannot independently create or extinguish legal property ownership. Bhonsale says that a rightful heir's inherited title remains completely secure unless it is lawfully transferred through valid, registered documents or openly challenged to their actual knowledge.

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Supreme Court discussion

Justice Sanjay Karol and Justice Augustine George Masih of the Supreme Court gave this judgement. Here's a brief summary of it:

Ownership title to a property cannot be eliminated due to removal of name from mutation records

Vasudev's main defence was Ramprasad voluntarily gave up his interest in the land. To support this theory, Vasudev cited Ramprasad's statement and a 1990 affidavit which was given to the Naib Tehsildar in April 1990 based on which the mutation records were updated to remove Ramprasad's name.

The Supreme Court said: "A right in immovable property cannot be treated as having been voluntarily abandoned merely because a revenue entry subsequently appears in favour of another person, and the underlying transaction by which title is said to have been surrendered must independently be established by the party relying upon it."

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Ramprasad's alleged relinquishment deed could not be proved

While Vasudev alleges that his brother Ramprasad gave up his share of the land and signed a relinquishment deed to that effect, Jamnabai's son categorically denied that Ramprasad signed any such deed.

Moreover, Vasudev also did not submit any evidence apart from saying that his brother signed the relinquishment deed. Thus the Supreme Court observed that even if they assume the said signatures are Ramprasad's, the court can't ignore the fact that Vasudev has not produced any independent witness who was present at the time of execution of the said relinquishment deed.

The Supreme Court also observed that Vasudev has failed to clarify under what circumstances the mutation entries recorded one of his son's name in the disputed land in 1980- 1981.

The Supreme Court said: "It is settled law that an entry in the revenue record neither creates nor extinguishes title and exists essentially for fiscal purposes, as held by this Court in *Sawarni v. Inder Kaur and Others* (1996) 6 SCC 223."

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The Supreme Court said that the Naib Tehsildar may regulate mutation records but merely removing Ramprasad's name and replacing it with Vasudev's son's name, does not relinquish the proprietary rights of Ramprasad. The Supreme Court said that civil court remains fully competent to determine the underlying title, which the revenue entry follows rather than creates.

The Supreme Court also rejected the Specific Relief Act angle using which Vasudev said that Jamnabai was late in filing this case and thus barred by limitation.

So, Jamnabai won the case, paving way for her children to inherit their grandfather (Bhagwansingh's land and house).

Also read: [Neighbour tried to grab land using a rectification deed without owner's consent: Here's why Supreme Court offered relief to owner](#)

The Supreme Court said: "The appellants and the other legal heirs of the late Ramprasad shall accordingly be entitled to the share declared in their favour, subject to lawful partition in accordance with the applicable provisions of the Madhya Pradesh Land Revenue Code. The respondents (Vasudev's children) shall remain restrained from alienating the disputed property or from creating any third-party rights therein contrary to the decree of the trial court until such lawful partition takes place."

