COURT OF THE SUB-COLLECTOR, ATHAMALLIK

Mutation Appeal No. 05 of 2015

(Against the order of the Tahasildar, Athamallik in Mutation Case No. 587/2013)

Appellant v. Fanipatyananda Hota and Tahasildar, Athamallik … Respondents

Decided on 19 September 2025

Mutation on registered sale deed – Allegation of fraud. An allegation that a registered sale deed was obtained by fraud cannot be decided in a mutation appeal. The mutation stands until the deed is set aside by the civil court, whose decree can then be given effect to in the RoR.

Result: Appeal dismissed; liberty to approach the civil court.

ORDER

18.09.2025

1. The case was taken up today. Perused the parawise comment submitted by the Tahasildar Athmallik. The Tahasildar has submitted that.

> *"That previously khata no. 45 of Mouza- Bandhupali pertaining to Plot No. 1299 Kissam Biali, an area of 1.140 acres and plot no. 1303 Kissam Taila-II, an area of 0.23 acres, was recorded in the name of Parameswar Sahoo, son of Danar Sahoo, caste-Chasa, of village Nijagaon*

2. It is revealed from the certified copy of the mutation case no. 587/2013, one Fanipatyananda Hota, son of Jayanand Hota of village Butupali, Dist- Boudh, has applied for mutation on the above suit land in his favour based on the interim sale deed executed by Santanu Kumar Sahoo, son of Kartikeswar Sahoo, caste- Kansari of village Butupali, Dist- Boudh. The RI Madhapur has submitted the case as one objection has been filed and allowed the case in favour of the applicant of the mutation case, and also a patta has been issued vide new khata no. 80/198 in favour of Fanipatyananda Hota, son of Jayanand Hota of village Butupali, Dist- Boudh. Hence, the order passed by the Tahasildar is as per Rule".

3. Perused the appeal memo. It read as follows.

4. In 2013, the appellant was aware of mutation case no. 587 of 2013, in which one Fanipatyananda Hota, son of Jayanand Hota of village Butupali, District Boudh, was set to mutate the case land in his favour. The appellant and his three daughters filed separate objections with the Tahasildar of Athmallik and the Revenue Inspector of Madhapur. The appellant has never sold any land to Fanipatyananda Hota, son of Jayanand Hota, and he is attempting to acquire the valuable land of the poor appellant through fraud and misrepresentation. The appellant also informed the respondent that he had never sold the land to anyone, and he has been in peaceful possession of the case land to date. When the local RI visited the case land, they found that the appellant is in exclusive possession of the land. for that, the order passed by the learned Tahasildar Athmallik in mutation case no. 587/2013 is erroneous, illegal and not based on sound reasoning; hence, the same is not tenable in the eyes of law.

5. According to the Orissa Mutation Manual, 1962 (as applicable in Odisha), mutation proceedings are a fiscal process intended to update the Record of Rights (RoR) and maps based on transfers,

including those via registered sale deeds. Such mutations are initiated upon intimation from the registering authority, with prima facie title and possession being sufficient grounds for recognition. The process distinguishes between uncontested cases (disposed by the Revenue Inspector and confirmed by the Tahasildar) and contested cases (handled by the Tahasildar with hearings). However, the mutation authority lacks jurisdiction to adjudicate or question the validity of the underlying registered sale deed, as this is not a power vested in revenue officers. Mutation neither creates nor extinguishes title and serves only to reflect changes for revenue administration purposes.

6. revenue authorities must presume the validity of a registered sale deed during mutation unless it has been challenged and set aside by a civil court. Revenue proceedings cannot delve into title disputes or invalidate deeds; only civil courts have that authority. Suppose the sale deed remains unchallenged in a competent civil court. In that case, the corrected RoR based on it will stand and be treated as valid for fiscal and administrative purposes (e.g., land revenue collection, possession records). The RoR enjoys a presumption of correctness under revenue laws but does not confer or prove absolute title—title derives from the deed itself. Should the deed later be successfully challenged in civil court (e.g., on grounds of fraud or lack of authority), the RoR can subsequently be rectified to align with the court's decree.

7. Upon careful consideration of the appeal memo, the Tahasildar's parawise comment, the RI's findings, and the provisions of the Orissa Mutation Manual, 1962, read with Orissa High Court precedents, this Court finds that:

8. The mutation order in Mutation Case No. 587/2013 is legally sustainable, as it is based on a sale deed presumed valid in the absence of any challenge in a civil court.

9. The Tahasildar followed the procedural requirements for a contested mutation case and was not empowered to adjudicate allegations of fraud or title disputes.

10. The objections raised do not warrant interference in the mutation order, as such disputes must be resolved in a civil court.

11. The updated Record of Rights enjoys a presumption of correctness for revenue purposes, subject to any future civil court decree.

12. The appeal is hereby dismissed, and the mutation order passed by the Tahasildar, Athmallik, in Mutation Case No. 587/2013, is upheld. The new Khata No. 80/198 issued in favour of Fanipatyananda Hota shall remain in effect. The appellant is at liberty to approach a competent civil court to challenge the validity of the sale deed on grounds of fraud or otherwise. If successful, the Record of Rights may be rectified accordingly based on the court's decree.

Dicted and corrected by me

Sd/-
Sub-Collector, Athamallik

Odisha Revenue Laws · Revenue Court Orders. Reported for the reference of revenue officers. The order applies to its own facts; check the current law before relying on it.