

Understanding Land Records

By

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Understanding Land Records

- Base : Survey Record
- Prepared for Revenue Collection
- Land Holder and not Land Owner
- Presumption of Title : Not Conclusion
- Much of record outdated : No resurveys, No updates

Entries in Revenue records do not indicate title

- **Civil appeal No 10987 of 1996 : Sawarni Vs Inder Kaur and others**
- Lower court : in favour of R-1, as her name was mutated in RR
- SC : Mutation in RR can not confer or take away title.
 - Other evidences showed that she wasn't the title holder.
 - Upheld the appeal and set aside the judgement of HC
 - ***Mutation of a property in the Revenue Records does not create or extinguish title, nor has it any presumptive value on title. It only enables the person..... to pay the land revenue.... .***

Case Laws

- **Sitaram Bhau Patil vs Ramchandra Nago Patil : CA 1997 of 1968**
 - There is no abstract principal that whatever will appear in the records of rights will be presumed to be correct when it is shown by evidence that the entries are not correct.
 - No presumption of correctness of record of rights could validly arise from record of rights
- **MTW Tenzing Namgyaland others Vs Motilal Lakhotia & others : 9265 of 1995**
 - Records of Right - Khasra and Khatiyani- not prepared under a statute- Records of right can not be treated to have any evidentiary value on the question of title.....
- **Balwant Singh & ors Vs Daulat Singh & ors : 2295 with 293 Of 1984**
 - Mutation can not extinguish title nor it can have presumptive value on title

Understanding Registration

- Registration of Deed : not Title
- First Law of Registration : 1793
- Registration certifies
 - Identity of executant
 - Mental status of Executant
 - Fact of Execution
 - Content of Document
 - Doesn't certify correctness/ validity/ truth of contents

Legal Status of Land Records

- Operates on Caveat Emptor
- No record of Conclusive Titles; Only presumptive
- No record for Urban/ residential areas
- Land records only corroborative evidence

Sources of Title

- Transfer : sale, gift, mortgage, settlement, etc.
- Succession : testamentary and ante-state
- Conferment : by crown
- Adverse Possession : by a court decree

No fifth source

Adverse Possession

- Nec vi, nec clam, nec precario : without force, without secrecy, without permission
- Not a pure question of law but a blend of law and facts
- The person claiming should establish -
 - The date of his coming in possession
 - Nature of his possession
 - Whether in the knowledge of other party
 - Duration of his continued possession
 - Open and undisturbed

Due diligence

- Must Consult LR as primary source of info, but not the exclusive source
- Collect other info: Call for claims
- Verify Possession
- Verify the line of succession
 - Check Applicable Personal Law
 - Testamentary Vs Ante-state Succession
 - Hindu Succession Amendment
 - Bring all the successors/claimants
- Verify all the claims and counter claims

Thank You

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