



CIVIL

# From Tehsil to the Apex Court: Mutation on Will Re-validated

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On 19 December 2025 a two-Judge Bench of the Supreme Court of India (Manoj Misra & Sanjay Karol, JJ.) allowed Civil Appeal No. 15077 of 2025 arising out of SLP(C) No. 22439 of 2024 and, by a single stroke, restored a mutation entry recorded in favour of the appellant while simultaneously clarifying the interface between summary revenue proceedings and the adjudicatory monopoly of civil courts. *Tarachandra v. Bhawarlal & Anr.* is the latest reiteration that a registered will is a legitimate foundation for mutation under the Madhya Pradesh Land Revenue Code, 1959 and the Madhya Pradesh Bhu-Rajasv Sanhita (Bhu-Abhilekhon Mein Namantaran) Niyam, 2018; that an objection founded on an unregistered agreement to sell and pleas of adverse possession cannot interdict such mutation when no legal heir contests the testament; and that the supervisory jurisdiction under Article 227 cannot be invoked to annul an administrative order that suffers neither jurisdictional error nor legal infirmity.

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## Facts that Set the Controversy in Motion

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Roda alias Rodilal, recorded tenure-holder of Survey Nos. 148, 195, 218, 225, 229/Min-1, 230/Min-1, 231 and 234 admeasuring 5.580 hectares in village Bhopali, Madhya Pradesh, executed a registered will on 1 May 2017 bequeathing the entire holding to Tarachandra. Upon Rodilal's death on 6 November 2019, Tarachandra presented an application under Section 110 of the MP-LRC before the Tehsildar, Manasa, for mutation of the revenue records. The statutory notice was published, objections were invited, and the statements of attesting witnesses were recorded. Bhawarlal alone entered appearance, asserting possession over Survey No. 195 on the strength of an unregistered agreement-to-sell allegedly executed by Rodilal and claiming adverse possession. The Tehsildar, after enquiry, allowed the mutation in favour of Tarachandra but made the order expressly subject to the adjudication of rights in a pending civil suit. Bhawarlal's first appeal before the Sub-Divisional Officer (Revenue), Manasa, and second appeal before the Commissioner, Ujjain, failed. He then invoked the constitutional supervisory jurisdiction of the Madhya Pradesh High Court at Indore.

## The High-Court Interference

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By a brief order dated 14 August 2024 in Misc. Petition No. 7284 of 2023, the High Court allowed the petition, set aside the orders of the entire revenue hierarchy, and directed that the names of the legal heirs of Rodilal be mutated under the Hindu Succession Act, 1956; if no heirs were available, the land was to be recorded in the name of the State Government. The direction was expressly made subject to the outcome of the civil suit between the parties. The High Court relied exclusively upon its earlier Division-Bench decision in *Ranjit v. Smt. Nandita Singh* 2021 SCC OnLine MP 3410 which, in the view of the Bench, rendered mutation on the basis of a will impermissible without a prior civil adjudication.

## The Rival Submissions Before the Supreme Court

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Tarachandra assailed the High-Court order on the ground that the 2018 Mutation Rules recognise a will as an acceptable supporting document and that a Full Bench of the same High Court in *Anand Choudhary v. State of M.P.* 2025 SCC OnLine MP 977 had already answered the reference in the negative by holding that a Tehsildar cannot reject a mutation application at the threshold merely because it is founded upon a will. It was emphasised that none of the natural heirs of Rodilal had disputed the testament; the objector was a stranger whose claim rested on an unregistered contract and unadjudicated possession; and mutation being a summary fiscal exercise could not be withheld when no serious dispute of title had been raised by persons entitled to question the will. Reliance was also placed upon the Supreme Court's own judgment in *Jitendra Singh v. State of M.P.* 2021 SCC OnLine SC 802.

Bhawarlal, in reply, contended that the validity of a will could be established only by a competent civil court and that allowing mutation on the basis of a suspicious document would irreparably prejudice his possessory rights. He urged that the appellant

had an efficacious remedy by way of a declaratory suit and that, therefore, the High Court had rightly protected existing rights by refusing to give effect to the will at the revenue stage.

## Legal Matrix Analysed by the Court

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The Supreme Court began by noticing that Sections 109 and 110 of the MP-LRC are mode-agnostic: any lawful acquisition of rights, including testamentary devolution, is contemplated. The 2018 Rules, framed under the Code, place “will” at Form-1, thereby removing any ambiguity. The Full Bench ratio in Anand Choudhary was extracted in extenso to demonstrate that while a Tehsildar must not assume the role of a civil court and decide questions such as the genuineness of the will, the competence of the testator or the existence of rival wills, he is nevertheless bound to allow mutation in undisputed cases once the statutory enquiry under Section 110(4) is complete. The Court reaffirmed the settled position that mutation does not confer title; it merely updates the record of rights for fiscal purposes and is always subject to the result of a regular suit. Consequently, the refusal to mutate on the ground that the will is yet to be adjudicated would amount to stultifying the very object of the revenue legislation.

## Finding of Jurisdictional Error

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The Bench held that the High Court had fallen into patent error by treating Ranjit as binding without appreciating that it had been rendered per-incuriam in light of the subsequent Full-Bench authority. More importantly, the High Court had failed to detect any jurisdictional error or illegality in the revenue orders. The Tehsildar had conducted the enquiry mandated by Section 110, afforded opportunity to the objector, and ultimately made the mutation subject to the civil suit, a course expressly approved in Jitendra Singh. In the absence of any challenge by a legal heir, the objection raised by Bhawarlal, a claimant under an unregistered agreement-to sell could not be accepted as a “dispute” requiring reference to a civil court before the summary entry could be made.

Tarachandra v. Bhawarlal therefore restores the primacy of a registered will in revenue mutation while simultaneously re-emphasising the limited canvas of Article 227. The Supreme Court set aside the High-Court judgment, revived the orders of the Tehsildar, the SDO and the Commissioner, and directed that the mutation entry in favour of Tarachandra shall remain subject to any adjudication by a competent civil or revenue court. The ruling is a salutary reminder that summary proceedings are neither a substitute for nor a roadblock to regular adjudication; they are simply an administrative updating of records, always amenable to the ultimate verdict of a court of plenary jurisdiction.

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