

Samiullah V. State of Bihar

Citations: 2025 INSC 1292

Facts of the case:

State of Bihar, aiming to strengthen property transaction integrity, amended the **Rule 19 of the Bihar Registration Rules of 2008**, introduced *sub-rules (xvii) and (xviii)*. These sub-rules empowered registering officers to refuse registration of sale or gift deeds if the seller fails to produce proof of '*jamabandi*' (for rural lands) or holding allotment (for urban properties). The amendment effectively made mutation proof a prerequisite for property registration linking the registration Act, 2011. The amendment was challenged in multiple writ petitions before the Patna High Court, which got dismissed in February 2024. The appellants, including Samiullah, challenged the constitutional validity of *sub-rules (xvii) and (xviii) of rule 19* of the Bihar Registration Rules, 2008. The sub-rules stated that no property transaction could be registered unless proof of mutation (or holding allotment) was provided.

Issues before the court:

1. Whether the rule making powers granted to the Inspector-General of Registration under *section 69 of the Registration Act, 1908*, extend to creating a mandatory requirement for the verification of the seller's ownership as a precondition for registering a document.
2. Whether the inclusion of an administrative entry (*Jamabandi/Mutation*) in government records, meant only for collecting land revenue, confer a legal title that can be made mandatory for the transfer of property.
3. Whether the restrictions imposed by the new rules are violating the constitutional right to property under Article 300A.

ARGUMENTS:

Appellant (Samiullah)

They argued that a mutation entry is only for revenue purposes and does not determine ownership, which can exist through inheritance or a will even if mutation is not updated. They also contended that citizens should not be penalized for the government's long-standing failure to update land records like the *jamabandi*, and that preventing people from selling land due to outdated records is arbitrary.

Finally, they submitted that although property is not a fundamental right, it is a constitutional right under Article 300A, and imposing an impossible condition of requiring updated records that the State itself does not update, effectively deprives citizens of their right to deal with their property.

Respondent (State of Bihar)

The State argued that the rules were necessary to prevent fraud by the "land mafia," as people often attempt to sell land they do not own, leading to prolonged litigation. Requiring the seller's name to appear in the *jamabandi* helps verify their actual connection to the land. They also claimed that the rule was meant to fix the long-standing lack of coordination between the registry office, which registers sale deeds, and the circle office, which maintains land records.

By forcing synchronization between these departments, land records would stay updated in real time. Finally, the State maintained that this was a policy decision made in the public interest to reduce fraudulent transactions and lessen the burden on civil courts.

Judgement:

The Supreme Court ultimately held that the rule 19 in question was illegal because the government officer who issued it had no legal authority to create new mandatory conditions, such as requiring proof of mutation for registering property documents. The Court emphasized that mutation is meant only for revenue purposes like tax assessment and does not prove ownership, so registration cannot depend on mutation. It also clarified that registration does not create perfect title, and a registering officer cannot act like a judge determining true ownership. The Supreme Court struck down the rule as *ultra vires* (beyond one's legal power/authority) and set aside the Patna High Court's judgment in its entirety.

Conclusion:

In *Samiullah v. State of Bihar*, the apex court concluded that Rule 19 (of Bihar Registration Rules, 2008) making mutation proof mandatory for property registration, was illegal, unreasonable, and unfair. Mutation is only a revenue record, not proof of ownership, so it cannot be used as a gatekeeper for registering sale deeds. By striking down the rule, the court protected people's basic right to freely buy and sell property without being trapped by slow, outdated, or incomplete land record systems. The court also emphasized that registration does not decide real ownership, and registrars cannot act like judges.

Finally, the court used this case to highlight the deeper problems in India's land record system and urged the government to modernize it, possibly with new technologies, so that land transactions become clearer, safer, and more transparent.