
Samiullah V. State of Bihar

Citations: 2025 INSC 1292

Facts of the case:

This case has originated from a challenge to the amendments made in 2019 to the Bihar Registration Act, 2008. The appellants, property owners, challenged the constitutional validity of sub-rules (xvii) and (xviii) of rule 19 which made it mandatory to produce proof of mutation (jamabandi or holding allotment) for the registration of any sale or gift of immovable property. The High Court of Patna dismissed their writ petitions, upholding the amendments. Aggrieved by this decision, the appellants filed the present appeal in the supreme court. It is admitted fact that the process of land surveys is yet incomplete in Bihar, making it impossible for the owners to obtain jamabandi or holding allotment to freely deal with their properties.

Issues before the court:

1. Whether sub rules (xvii) and (xviii) of rule-making power under section 69 of Bihar Registration Rules, 2008 (as amended in 2019) are the ultra vires (beyond) the parent statute Registration act, 1908.
2. Whether making proof of mutation / jamabandi / holding allotment (i.e. revenue record /mutation evidence) a pre-condition for registration is arbitrary impracticable and violative property rights (constitutional rights)
3. Whether the impugned sub-rules conflict with the object and purpose of the registration act. i.e. distort the fundamental distinction under Indian law between “registration of a deed / document and title / ownership to property
4. Whether the rule, by empowering registering authorities (sub registrars) to refuse registrations based on mutation-proof absence, amounts to unlawful delegation of what is essentially a judicial function to administrative authorities.

Arguments:

Appellant (Samiullah)

The appellants are argued that the Bihar governments rule making mutation or jamabandi mandatory before registering land documents is illegal and unfair. They said mutation is only for revenue purposes and does not prove ownership so it should not be used to decide who can sale the land. They also argued that the Registration Act does not give the government the power to add such conditions, and registrations officers are not supposed to check or decide land ownership that job belongs to only the civil courts. Since land records in Bihar are outdated and many genuine owners do not have updated mutation, this rule prevent honest people from selling or gifting their own property. Therefore they said the rule is arbitrary, causes hardships to citizens, and must be struck down

Respondent (State of Bihar)

The state of Bihar argued that the rule was made to stop fraud and protect people. They said that many people sell land without being the real owner, and buyers get cheated. by asking for mutation or jamabandi papers, the government claimed it can make sure only real owners sell the property. They said this rule will keep land records clean and prevent multiple people from

claiming the same land. The state also said that the government has the power to make such rules for better management of land and to reduce disputes. According to them, the rule is good for the public helps prevent illegal land dealings.

Judgement:

The court said that the registration Act, 1908 only deals with the registration of documents and not proving who owns the land. By forcing people to produce mutation or jamabandi papers, the Bihar government was turning registration officers into judges of land ownership, which they are not allowed to do. The court further explained that mutation is only for revenue purposes and not a proof of title, making mutation mandatory before registration. It is unreasonable and unfair especially, because in Bihar, land records are outdated, many areas have not been surveyed, and people often cannot get mutation done even if they truly own the land. This makes the rules arbitrary, creates unnecessary hardship, and stops citizens from exercising their right to sell or property therefore, the Supreme court struck down Rule 19 (xvii) and Rule 19 (xviii) of the Bihar Registration Rules, declared them ultra vires (beyond the legal power), set aside the Patna High court judgement, restored the earlier position that registration cannot be refused for lack of mutation / jamabandi.

Conclusion:

In *Samiullah v. state of Bihar* the supreme court concluded that Bihar's rule 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 of freely buys and sale 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 system and urged the government to modernize it, possibly with new technologies, so that land transactions become clearer, safer, and more transparent.

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