

UPDATE ON MUTATION
AFNHB ‘ Y’ SITE FARM UNITS SCHEME

1. Reference ‘Y’ Site update given on 25 Jan 16.
2. Certain queries have been raised by some Farm Unit owners wrt restoration of mutation. The issue is clarified in succeeding paragraphs for the benefit of all owners.
3. Subsequent to cancellation of mutations, the Leading Writ Petition No. 65976/06 (BR Nangia Vs State of U.P.) was filed before the Hon’ble High Court, Allahabad and an interim stay was obtained on 05 Dec 06 against all proceedings pending before Tehsildar, GB Nagar. Subsequently, other cases connected with the Leading petition i.e. Writ Petition No. 65976/06 were filed and Stay obtained on subsequent dates. On 05 Jul 11, the Leading petition and all connected cases were disposed off by Hon’ble High Court, Allahabad, wherein, orders of Tehsildar, GB Nagar and Asst. Collector, GB Nagar of 2006 were quashed. This meant that the order for cancellation of mutations was no longer valid. However, the Hon’ble High Court, also directed the Tehsildar to consider the case afresh and pass appropriate orders according to law.
4. Accordingly, an application in the Leading case was filed before Tehsildar, GB Nagar. On 16 Jul 13, Tehsildar passed an order that the land in question was under Bhoodan Yojna and therefore could not be sold to anyone.
5. As this order adversely affected most allottees of ‘Y’ Farms, an appeal in the Leading case was filed before the Asst. Collector, GB Nagar which was disposed off on 30 Dec 13. The Asst. Collector in his judgment held that the mutation (Dakhil Khariz) U/s 34 of UP ZA & LR, Act, 1950 does not decide the right/title of a person. The name of appellant was recorded in Revenue documents in 1997 and after 09 years, mutation was cancelled. If the Tehsildar, GB Nagar appreciated that granting of transferable right for the land in question U/s 131 (b) was wrong / illegal, a separate enquiry should had been held, and the affected party should have approached the appropriate court for cancellation of the registration / sale deed. Therefore, the order passed by the lower court / Tehsildar on 16 Jul 13 is devoid of merit and accordingly set aside. An entry to this effect was recorded in Khata-Khatoni of Leading case i.e. BR Nangia at Khata No.159.
6. Based on judgment in leading case, **Khata-Khatoni of all other affected allottees in connected cases were updated with an annotation that “Relevant order is recorded at Khata No. 159 which pertains to BR Nangia”**. This in simple terms means that mutation has been restored for all owners as recorded in the Khata of BR Nangia.
7. In any case, the title / ownership of the individual allottee is not affected. There is also annotation on each revenue record of each individual at top itself which describes **“the land which is under the possession of Bhumidhar with transferable right.”** Owners therefore can sell their land without restriction.
8. It is also pertinent that cancellation of mutation of all other adjoining farmers in the area have still not been resolved. All villages on the river bed are presently under the ARO due to area dispute between the States of U.P. and Haryana. The matter has already been referred to ‘Survey of India’ for proper demarcation of boundaries of the two States. Only on completion of this exercise, new revenue documents will be prepared with new Khata-Khatoni, which is otherwise done in 06 years in normal cases. Once the new revenue records are prepared, computer records would be amended by the Revenue Dept. at Lucknow. As per Revenue Dept. no time period has yet fixed for this exercise.