



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
REVENUE & DISASTER MANAGEMENT
(REFORMS) DEPARTMENT

EXECUTIVE ORDER

The 4th March, 2026

Subject: Standard Operating Procedure (SOP) in case of Will-Based Mutations in Dharitree Portal.

eCF No. 727107/II/1473454/2026.-

In pursuance of the objectives for modernizing revenue court case management systems and to ensure legal integrity, transparency, and alignment with citizen-centric digital governance under Mission Basundhara, this Executive Order is issued to streamline mutation processes concerning succession through Wills, with due reference to Chapter IV of the Assam Land and Revenue Regulation, 1886 (hereinafter referred to as "the Regulation").

Under Chapter IV of the Regulation, persons succeeding to estates by inheritance, including under a Will, are required to apply, subject to the provisions of the Indian Succession Act, 1925 and other applicable laws, for mutation of their names in the land records in accordance with prescribed procedure.

It is observed that disputes frequently arise in cases where mutation is sought on the basis of Wills without sufficient proof of authenticity, leading to prolonged litigation and multiplicity of proceedings. At the same time, it is clarified that the Regulation does not, by its express terms, mandate probate as a universal statutory pre-condition for recognition of testamentary succession in revenue records, nor does it curtail the right of a successor under a Will to seek mutation.

Further, under the Indian Succession Act, 1925, probate is compulsory only in specified classes of cases and jurisdictions, and not uniformly in all testamentary successions.

Accordingly, in order to balance procedural safeguards with statutory consistency, the following Standard Operating Procedure shall apply:

1. Where Probate is Mandatorily Required by Law:

In cases where, including but not limited to the Indian Succession Act, 1925, as applicable, and any specific statutory directions or judgments binding in the State of Assam, probate is legally compulsory, the applicant shall upload:

- a. A copy of the Will duly probated by a competent court;
- b. The decree/ order granting probate.

Such applications shall be processed only upon verification of the probate decree.

2. Where Probate is Not Statutorily Compulsory:

In other cases, applicants claiming succession under a Will may upload:

- a. A copy of the Will (registered or unregistered);
- b. Supporting affidavits from at least two independent witnesses to the execution of the Will, with identity verification as to genuineness and execution;
- c. Death certificate of the testator;
- d. No Objection Certificates OR proof of notice to all legal heirs as per succession law, with 30-day objection period;
- e. Any other supporting documentary evidence as may be prescribed;
- f. In case of unregistered Wills executed within 5 years of death, mandatory notice publication in local newspaper.

The Revenue Officer shall examine the claim through notice and objection procedures under Chapter IV of the Regulation and may, in appropriate cases involving dispute, or in suspicious circumstances.

For the purposes of this clause, suspicious circumstances may include, but are not limited to:

- a. Will executed when testator was of advanced age or ill health, without medical certification of sound mind;
- b. Unregistered Will surfacing years after death;
- c. Will excluding all natural heirs without stated reason;
- d. Contested claims by other legal heirs;
- e. Beneficiary was sole witness or scribe to Will;
- f. Multiple contradictory Wills presented;
- g. Apparent inconsistencies in the Will, supporting affidavits, or revenue records;
- h. Will substantially deviates from prior testamentary dispositions;
- i. Contesting claims;

j. Direct the parties to obtain appropriate declaratory relief or probate from a competent civil court before effecting mutation. Revenue Officers shall not routinely insist on probate in every case of Will-based succession, but shall record brief reasons in writing where they direct parties to approach the civil court.

3. Nature of Mutation Proceedings:

It is clarified that mutation proceedings are fiscal in nature and do not confer or extinguish title. Entry in revenue records based on a Will shall be subject to the outcome of any civil proceedings.

4. In cases of pending Civil Litigation's:

Where the applicant or Revenue Officer becomes aware of pending civil litigation concerning:

- a. Validity of the Will;
- b. Testamentary capacity of deceased;
- c. Claims by competing heirs;

In such cases, the mutation proceedings shall be stayed until production of decree/ order from competent civil court.

5. Rejection of Applications:

Applications shall not be rejected at the threshold solely on the ground that probate has not been obtained, unless probate is mandatorily required under substantive law or has been specifically directed by a competent court.

6. Reversal of Mutation:

- a. Where a competent civil court subsequently declares the Will void, invalid, or revoked;
- b. The mutation entry shall be cancelled suo motu or on application;
- c. Previous entry shall be restored;
- d. No adverse inference shall be drawn from mutation having been granted, as it is fiscal and not determinative of title.

7. Portal Configuration:

The National Informatics Centre (NIC), Assam State Unit, shall configure the Dharitree Portal to:

- a. Provide appropriate fields and document types to capture whether the case falls under a category where probate is legally mandatory, as selected by the Revenue Officer/ user, and where it is not;
- b. Provide workflow for evidentiary scrutiny and objection hearing;
- c. Enable flagging of disputed cases for referral to civil court.

All notice and objection procedures under Chapter IV of the Regulation shall remain applicable.

This Executive Order shall come into force with immediate effect.

LAMCHONGHOI SWEETY CHANGSAN,
Additional Chief Secretary to the Government of Assam,
Revenue & Disaster Management Department.