

**Departmental examination of IAS/ HAS Officers of Himachal Pradesh**

**February, 2007**

**Paper-5**

**Revenue Case**

**Time Allowed:3 Hours.**

**Max. Marks: 100**

**Note: 1. Both the questions are Compulsory;**

**2. Bare Acts/ Rules are allowed to be consulted;**

**3. Relevant provisions of Acts/ Rules must be quoted in support of the Answers.**

Q.No.1) Jagat Ram and Bhagat Ram, sons of Kishan Lal own 48-16 Bighas of land In village Masog, Tehsil Karsog, District Mandi, in equal shares. The land is Comprised in Khata/ Khatauni numbers: 4/14 and 4/15; Khasra numbers 9 to 27. Jagat Ram is recorded in exclusive possession of land comprised in khasra Nos.9 to 17 while Bhagat Ram is recorded in exclusive possession of land comprised in Khasra Nos. 18 to 27.

Jagat Ram , out of his half share of ownership and possession, sold land Measuring 12-04 Bighas comprised in specific Khasra Nos. 11 to 14, which Constitutes  $\frac{1}{4}$  share of the total holding, to Mahinder Singh though a Registered sale deed in September 1995, who thereafter held the land Purchased in his exclusive possession.

In the year 2004 Jagat Ram applied for the partition on his share of land in the Joint holding. Both joint holders i.e. Jagat Ram and Bhagat Ram allege in their Pleadings that Mahinder was entitled to  $\frac{1}{4}$ <sup>th</sup> share of the land from the joint Holding whereas Mahinder took the plea that he was not the owner of the  $\frac{1}{4}$ <sup>th</sup> Share and was rather the owner of land comprised in Khasra Nos. 11 to 14 Specially purchased by him through the aforementioned registered sale deed.

On the basis these pleadings of the parties how, as an Assistant Collector Ist Grade would you proceed with the following:-

1. Whether you would take up the partition proceedings straightaway and decide it as per procedure? (20)
2. Whether, in your consideration, there is any other legal issue involved in this case? If so, what is that and how would you go ahead about that? (20)
3. Based on your observation on the above points, draw an appropriate Mode of Partition. (20)

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Q.No.2 Patwari halqua of Patwar circle kasuali, Tehsil Kasuli District Solan draws a Report of encroachment on Govt. land comprised in Khasra No.303 measuring 1-5 Bighas situated in village Beja against One Basant Singh who owns and possesses 70.10 Bighas of land holding in the same village adjoining the Govt. land allegedly encroached upon by him. The encroached land has a cultivable area of 1-00 Bighas and an old farm house on 0-5 Bighas in which his domestic servants, labourers etc. Live who have been growing vegetables and other seasonal crops on the cultivated area and keeping some cattle since long.

This report after spot verification and checking of concerned papers is Forwarded by the field kanungo to you for further action. You issue a show-Cause notice to the encroacher to which he replies, inter- alia, denying the Charges leveled against him. He further states that even if these allegations are Assumed to be correct, he being in peaceful possession of the alleged Encroached land for the last more than 40 years, he is it's rightful claimant/ Owner by virtue of adverse possession which he can successful prove.

In what capacity and under what law would you take up this case and what Would be the procedure? Discuss the point of law involved in this case.

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