

H.P.BOARD OF DEPARTMENTAL EXAMINATION OF IAS/ HAS

FEBRUARY, 2007

Paper-3 Revenue Law and Procedure

Time Allowed: 3 Hours

Max.Marks:100

Note: 1. Attempt all questions.

2. Only Bare Acts/ Rules are allowed to be consulted.

3. Credit will be given for citing law/ Rules in the answers.

Q.No.1 One Shri Vijay was recorded as a non-occupancy tenant in respect of Khasra No.445 situated in village Dhalli in 1962-63. Can the first defendant succeed in His claim for an equal share along with plaintiff, on the death of Sh.Vijay, as a Joint tenant in the tenancy rights, if there is nothing on record produced by the Plaintiff that payment of rent was ever made by the Ist defendant as well as in the Absence of any entry in the revenue record of the name of the Ist defendant?

25 Marks

Q.No.II what plea would you take in a case where the land Acquisition Collector Awarded compensation in 1981, the District Judge allowed enhancement under Section 18 of the Land Acquisition Act in 1984 in case of a writ petition before The Hon'ble H.P. High Court by the petitioner, who did not earlier choose to Take any appropriate proceedings either before the Collector or before the District Judge to claim enhancement?

25 Marks

Q.No.III Give reasons for and against the decision of the Distirct Judge in adopting the Method of assessing the market value of the acquired land on the basis of Bonafide transactions of sale and purchase of lands in another village adhacent To the land acquired instead of taking in consideration the One Year Average Cost of the land of the transactions in the same village.

25 Marks

Q.No.IV How would you decide a mutation where a widow- stipulated to be a limited Owner of the extent of half share as per will executed by the deceased husband Has executed a gift deed of the land in favour of her sons. The will has been Challenged by plaintiff as not binding on their reversionary rights to succeed To the share of his mother after her death.

25 Marks

Departmental examination of IAS/ HAS Officers of Himachal Pradesh

Paper-5
February, 2007
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 through 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 $\frac{1}{4}$ th share of the land from the joint holding whereas Mahinder took the plea that he was not the owner of the $\frac{1}{4}$ th 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)

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.
