

DEPARTMENT<sup>AL</sup> EXAMINATION FOR IAS/HAS OFFICERS OF  
HIMACHAL PRADESH

October, 2015

Paper:5

REVENUE CASE

TIME ALLOWED: 3 Hours

MAXIMUM MARKS: 100

Note. 1. Bare Acts and Rules can be consulted.

2. Attempt all the questions, Marks are given at the end of the question

Question No.1. Applicant Shri Sundru Ram has made an application for correction of entries of Land Comprising in Khasra No.366/437 Min in Revenue Village Hatwar Pargana Ajmerpur Tehsil Ghumarwin, Distt. Bilaspur. In this application Shri Sundru Ram has alleged that one Shri Santu respondent now represented by his L.R. Dhayan Singh (son) were real brothers but for the last 30 years have been living separately. That over 30 years ago, the said land in question was mortgaged to him and his brother Shri Santu and since then both of them are in possession of the land in equal half share. Applicant has further stated that on the land that has fallen to his share he has constructed a house on that land and has been living in that house since then. He has further stated that he is illiterate and a simple man and he never cared to inquire from Patwari about the entries of the land in question and he has a bonafide belief that the land was duly recorded in his name but some 8 to 10 days back ( from the date of application) the respondent and



his sons have been threatening him that he had no share in the land and should quit the land failing which they would forcibly eject him from the land.

It has also been mentioned that inheritance of Smt. Devku was sanctioned in favour of his daughter Shankri ~~was~~<sup>who</sup> has also died issueless and her share also goes to Sukhia who have been joined as Performa Respondent. It has been prayed that the mistake in land records be corrected and his name be entered in the record of cultivation column of record of Rights in equal share alongwith Santu. Shri Dhyan Singh on the other hand vide his reply dated 10.06.1985 through his counsel has opposed the application contending that the application was not maintainable, firstly on the ground that the respondent has died and application does not lie until or unless legal representatives are not brought on the record. Secondly applicant has not mentioned in what capacity he is in possession of the land. Thirdly that the present court has no jurisdiction as the record of rights cannot be corrected by the revenue officer and that only the civil court has the jurisdiction to correct it. Respondent has further contended that the land was is in his possession (Dhyan Singh's) which was

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earlier in the possession of his father Shri. Santu. It has also been contended that the applicant never came in possession of the land in question and further no house of the applicant existed on the land. It is <sup>the</sup> ~~father~~ <sup>further</sup> contended that the applicant was aware of land record entries and never objected to it for the last thirty years. He is now ~~stopped~~ to challenge long standing entries, that civil court alone can decide such cases. The respondent further stated that applicant was never threatened as alleged. Respondent reiterated that land records are correct and the application does not lie in the present form until and unless the state of H.P. recorded as owner in the column of ownership is not served with a statutory notice u/s 80 of CPC and enjoined as a party. It has been prayed that since application is false, baseless and without any substance, it merits dismissal. The applicant has filed alongwith this application, a copy of jamabandi for the year 1961-62 and copy of Khasra girawari for Kharif 1967, Rabi 68 and Kharif 1981 ~~to~~ 1982.



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Sukhia, the Performa respondent states that the land in question was mortgaged for Rs.200/- to Santu resident of Village Hatwar and half share of this land is under cultivating possession of Shri Sundru the applicant and he further states that there is no house of Shri Dhyan Singh S/O Santu but there is a house of Sundru on the said land. The fact of possession of Shri Sundru on half share of the land has been corroborated by Shri Tulsi Ram, Shri Sher Singh, Jiwan Ram Namberdar and others during the inquiry made by the field Kanugo. Sundru in his statement has also said that he is in possession of the half share of the land. These facts of possession over the half share of the land was also corroborated by Shri Anant Ram, Prem Lal Member of Panchyat and other several persons of the village. Inquiry has revealed that Shri Sundru the applicant is in possession of half where of land in Khasra No. 1540 <sup>KHATA</sup> ~~Khasra~~ No.366/437 min, land measuring 3-8 Bigha situate in Village Hatwar Pargana Ajmerpur Tehsil Ghumarwin Distt. Bilaspur. The land records shows Shri Santu alone in possession of the land in question. Govt. is recorded as owner and Devku and Sukhia

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have been recorded as non occupancy tenants and under them Santu has been recorded as non-occupancy tenants i.e. sub-tenant. In the column of rent it has been recorded that the actual cultivator Santu is non-occupancy tenant because of mortgage. This is a very old entry which has not been disturbed.

“Based on the above facts and averments”

- (1) Write a detailed order citing the relevant sections of H.P. land Revenue Act in the capacity of a revenue officer of appropriate jurisdiction. (50 Marks)  
NO MARKS
- (2) Write order sheet of the day. (10 marks)



Question No. II. Patwari Halqua Karasa of Tehsil Rohru Distt. Shimla, reported to the Tehsildar (Assistant Collector 1<sup>st</sup> Grade) Rohru that one Shri Surja Singh S/O Sanyasi R/O Village Banchhuna had encroached upon Govt. land bearing Khasra Number 328/1 measuring 0-20-49 Hectare and Knasra Number 834/1 measuring 0-06-80 Hectare in revenue village Tandali by raising the enclosure wall of stones depriving the villagers of their grazing rights and bearing Khasra Number 687/1 measuring 0-01-04 Hectares and Khasra Number 687/1 measuring 0-00-22 Hectares situated in revenue village Banchhuna whether said encroacher was reported to have obstructed/damaged to the path by leveling the land site of the construction of house/building. The Patwari Halqua also submitted to copy of missal Haquiat of recent settlement along with the Tatima of the land in question. In both the cases the reported encroacher was served with a shown cause Notice under section 163 of the H.P. land Revenue Act 1953 as to why he should not be ejected from the said Govt. lands. In reply to the notice the said encroacher stated that similar case was lying pending before the District Collector at Shimla and the next date of hearing was fixed for 27/04/89 and accordingly prayed that the proceedings be stayed till the pendency of the decision by the District Collector at Shimla. In replication, the Govt. pleader who is the officer Kanungo of Tehsil Office Stated that no such case was lying pending before the District Collector at Shimla and accordingly no stay order had been granted which may cause the stay of the present proceedings and pleaded for the ejection of the encroacher of the Govt. land.

Based upon the pleadings Shri Gulat Ram the then Patwari Halqua Karasa as well as Shri Budhi Ram the then field Kanungo Karasa were examined on behalf of the State. The Patwari Shri Gulat Ram Stated that the Tatima of the land in question were prepared by him as per the



spot verification which was made on the basis of the complaint made by the landowners of the adjoining Khasra Numbers. Shri Surjan Singh examined himself as well as accompanying witnesses and their statement were recorded on oath. Shri Surjan Singh stated that in Chak Banchhuna on the said land there exist Kitchen, Khalyan and floor mill (Atta Chakki), and denied existence of any path and further stated that structure had been there for the last 40 to 45 years right from the time of his father and raised the plea of adverse possession. His witness Shri Sant Lal who was engaged for construction of wall stated that he had constructed the wall and there were some Chuli trees (Wild Apricot) but could not tell the age of the trees. The other witness Shri Sohan Lal S/O Mohi Lal r/o Vill. Gongtoli adduced that they worked as a helper during the construction of the house of the Surjan Singh and on cross examination he stated that nothing was cultivated in the said land and only grass was there. On cross examination Patwari and Kanungo stated that the encroachment cases were made on the complaint on the adjoining land owners and the encroachment were of the recent past and not from past 35 to 40 years and stated Tatima were prepared as per spot position after verification. Adjoining land owner Shri Jepku Ram, Atma Ram and Surat Ram all r/o village Banchhuna stated jointly that they explicitly know Khasra Number 328/1 and 834/1 in Muhal Tandali because this Chak of land is near to their houses. They and other villagers used to use the paths which pass through these Khasra Numbers from the time immemorial and Surjan Singh only raised the enclosure wall in third week of November 1988 and they reported the case of said encroachment on 25.11.1988 by giving a written application in this behalf. They further stated that Shri Surjan Singh had earlier too encroached upon Govt. land measuring 0-00-72 Hectare which was sanctioned to him as nau-tor by the Deputy Commissioner Shimla after visiting the spot. They dropped their objection on the said granted



land as a matter of reconciliation with Surjan Singh. But as a matter of breach he further continued to encroach upon the adjoining piece of land depriving them of their grazing rights, right of path etc hence they reported that case against him.

Later spot was visited by the A. C. 1<sup>st</sup> Grade on the request of the counsel of the encroacher. On visiting the spot the facts of encroachment on govt. were found to be true as per the report of the Patwari Halqua. The encroachment on the Govt. land was found to be of recent past. On the basis the above case history, attempt the following question;

1. Prepare a draft notice of show cause u/s 163 of the Land Revenue Act-1953. (10 Marks).
  2. Write the order sheet of the day. (10 Marks).
  3. Write a detailed order as a Civil Court. (30 Marks).
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