

GOVERNMENT OF HIMACHAL PRADESH, BOARD OF DEPARTMENTAL EXAMINATION  
DEPARTMENTAL EXAMINATION FOR IAS/ HPAS OFFICERS.

Session April, 2015

Paper No. 5

Revenue Case

Maximum Marks 100

Time allowed 3 Hours

Bare Acts and Rules may be consulted

Ques no. I The patwari, patwar circle Mashobra, reported to the Tehsildar Shimla (Rural), District Shimla through the field kanungo Sanjauli that one Sh. Shibia s/o late Sh. Joban Dass, had encroached upon government land comprised in Khata no. 17, Khatauni no. 28, Khasra no. 18/1 measuring 8 biswas, situated in Mohal Bagnia by constructing a single storey structure thereupon. The Tehsildar, in exercise of powers as an Assistant Collector of the First Grade, issued a notice to Sh. Shibia under section 163 of the H.P. Land Revenue Act, 1954 asking him to show cause as to why he may not be proceeded against and be ejected from the encroached land. Sh. Shibia submitted a written reply to the notice stating that the structure allegedly encroached upon has been constructed by father late Sh. Shibia almost 40 years ago. He claimed that his father and after his death he himself had been in a peaceful and uninterrupted possession over the land and therefore he had become the owner of the land by virtue of adverse possession. He annexed copies of electricity bills and receipts dating back to the life time of his father with his reply as a proof of his long standing possession over the land in dispute.

On the basis of the reply filed, the AC 1<sup>st</sup> Grade, came to the conclusion that *prima facie* there was a question of title involved in the matter. He directed Sh. Shibia to file a plaint before him to be adjudicated upon and decided as a civil court. During the proceedings, the state government, through the A.D.A. (Rev.) refuted the claims of Sh. Shibia and produced Sh. Mast Ram, Field Kanungo, Sanjauli and Sh. Devender Kumar, Patwari, Patwar circle Mashobra as witnesses. Both deposed that the revenue record depicted the land in dispute as government land and that Sh. Shibia had encroached upon it only recently. They also deposed that the bills and receipts annexed with his reply by Sh. Shibia were, in fact, those of his house built over the adjoining private land. Sh. Shibia produced one Sh. Bhagat Ram, ex Pradhan of Gram Panchayat Mashobra as his witness who deposed that the land in dispute had been in possession of late Sh. Joban Dass prior to Sh. Shibia and that the structure over it had been constructed by late Sh. Joban Dass.

On the basis of the above case history, attempt the following questions:

- I Prepare a draft of the notice issued to Sh. Shibia under section 163 of the H.P. Land Revenue Act, 1954. (15 marks)
- II Write the daily order sheet of the Assistant Collector. (15 marks)
- III. Write a detailed order as you would pass as a civil court. (40 marks)

Question no. II Smt Guddi, d/o late Sh. Rabhia, r/o village Hari Talangyar, Pargana Ajmerpur, Tehsil Ghumarwin, District Bilaspur, filed an application for partition of land comprised in Khata

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no. 17, Khatuani no. 43, Khasra nos. 23,24,26,43 and 58, kita, 5, measuring 34 bigha 6 biswa, situated in mauza Barota, Tehsil Ghumarwin, District Bilaspur before the Tehsildar cum Assistant Collector of the first Grade, Ghumarwin. The AC 1<sup>st</sup> Grade, forwarded the application to the Naib Tehsildar cum Assistant Collector of the Second Grade, Ghumarwin for framing of the mode of partition. During the proceedings before the AC 2<sup>nd</sup> Grade, her brother, Sh. Lachman Dass, s/o late Sh. Labhia, contested the application on the grounds that the land in question was, in fact, a coparcener land and Smt. Guddi, being married, was not a co owner in the same. He challenged the mutation of inheritance of his late father and claimed that the entries of the revenue record incorporated by virtue of the said mutation were wrong.

Smt. Guddi, in her rebuttal, submitted that she, being a recorded owner of the land was entitled to partition of the same. The AC 2<sup>nd</sup> Grade, refused the claim of Sh. Lachman that the matter involved any question of title and he proceeded to frame the mode of partition.

On the basis of the above facts, write the daily order sheet of the AC 2<sup>nd</sup> Grade. ( 30 marks)