

**HP BOARD OF DEPARTMENTAL EXAMINATION
DEPARTMENTAL EXAMINATION FOR IAS / HAS
SESSION, APRIL, 2013**

PAPER- 5 REVENUE CASE

Time Allowed: 3 Hours.

Maximum Marks: 100

Note:-

1. Attempt all the question –Marks are given at the end of each question.
2. Credit will be given for citing relevant provisions of Law/ Rules.

Q.No.1 Shri Kirpa Ram S/o Shri Kundan filed an application before the AC 1st Grade, Rampur under section 123 of the HP Land Revenue Act for the partition of I and comprised in Khata / Khatoni No. 41 / 51-56 Kita 37 measuring 1-17-37 hac. situated in Village Darkali Tehsil Rampur, Distt. Shimla and impleaded his nephews Ramesh, Rajesh S/o Shri Balak Ram and his sisters Janaki & Reshmu respondents. Ramesh and Rajesh contested the application on the grounds that they were in possession of the land as per the private partition that had taken place during the life time of Kundan and as per that partition Balak Ram, their farther, had developed the land of his share by raising loan from the bank. They also challenged the entries of Jamabandi for the year 2010-11 showing the Khasra Nos 112,113,132 measuring 00-25-07 hact. in common possession whereas these Kh. Nos were in their exclusive possession Classification of the land is also shown as Ghasni, but as per spot position there is Bagicha Phaldar, On these account there is question as to title. The AC 1st Grade asked the respondents to file a plaint before him which they complied with. The plaintiff Ramesh & Rakesh produced the private partition paper signed by Shri Kundan Lal, Kirpa Ram & Balak Ram in the presence of Shri Ram krishan, Nambardar. In his statement ~~an~~ Ram Krishan authenticated the private partition, Patwari Suresh Kumar & Kanungo Bal Krishan in their statements as PWII and PWIII stated that on the Kh. Nos 112, 113,& 132 there was Bagicha Phaldar. Kirpa Ram relied mainly on the settled law as possession of one Co-sharer is possession of all and the plea of adverse possession is not available to the plaintiff.

With these facts, evidence and arguments on the expected lines:-

1. Write a judgment as if you are a Civil Court.
2. Prepare a decree sheet-20.

(40+10=50)

Q.No.2

One Shri Sahi Ram submitted a written complaint to AC 1st Grade (Tehsildar) Rajgarh, Distt. Sirmour stating therein that Roshan Lal S/o Mansa Ram had constructed a building over Kh. No. 422 and prayed that the encroacher should be ejected from the encroached land. Tehsildar sent this complaint to Kanungo/ Patwari for the inquiry and report. The Patwari and Kanungo went to the spot and prepared the tatima of the encroached land. They reported that Khasra No. 422 measuring 4-7 Bigha situated in Village Charna, Tehsil Pachhad, Distt. Sirmour was a Governemnt land on which Shri Roshan Lal has planted fruit trees which are in bearing stage and in the North-West corner of the encroached land he has constructed a building in which the officers of Sub-Divisional Officers HPSEB & Medical Officer are located. Immediately after the receipt of this report, AC1st Grade issued notice to Roshan Lal by calling upon him as to why he should not be ejected from the land in question with fine.

In his reply Roshan Lal contested the claim of State and stated that he had possession over the said land for the last 40 years and therefore, he had a claim of adverse possession. In his reply he prayed that he may be allowed to file a plaint for adverse possession over the land in question. The prayer was allowed and he, therefore, filed a plaint to declare his as owner of the suit land. The pleadings of the parties were on expected lines. The plaintiff stated that he was having possession over land for the last more than 40 years and in support of his claim, he produced Nambardar, Inspector Horticulture and one Shri Ratnu as PWI, PW II and PW III respectively who all stated that Roshan Lal was in possession for the last 35 years and the fruit trees over the land in dispute were more 30 years old.

Ram Lal, Parwari and Hari Singh, Kanungo deposed on behalf of the State as DWI & DWII and stated that the possession of the plaintiff was not since the last 40 years and had it been so it would have been recorded as such at the time of Settlement Operation that took place

On the basis of the facts, pleadings of the parties, likely arguments and law laid down by the Hon'ble High Court in this behalf, attempt the following:-

1. Write a judgment after framing the issues.
2. Write Order Sheet of the day.

(35+15=50)