

DEPARTMENTAL EXAMINATION OF IAS/ HAS OFFICER OF H.P.
SUMMER SESSION, 2005

August, 2005

Paper –5- Revenue Case

Max. Marks.100

Time Allowed: 3 Hours

Note: 1. The relevant legal provisions and case law wherever necessary may be cited.

In response to the notice to Show Cause against ejection under section 163 of the HP land Revenue Act the defendant Shri Rikhi Ram S/O Shri Dhania R/O Village Namhol, tehsil Arki submitted the reply as under:-

1. That the defendant is owner in possession of the land comprised in Khata Khatauni No. Nil Kh. No.3/1 measuring 0-3 Bighas, situated in Village Namhol, Par –Kunihar, The- Arki, District Solan (HP).
2. That the possession of the present defendant over the suit land is form times Immoral, Which is peaceful, continuous without any interruption. This fact is also in the knowledge of the State of HP. The present defendant constructed a house over the suit land about 40 years back with in the knowledge of the State Govt. The State Govt. never interrupted the possession of the defendant before initiating these proceedings under Section 163 of HP Revenue Act in the year 2005 when the halqua Patwari reported the matter to the A.C. Ist Grade Arki .
3. That the Revenue entries are wrong showing the State Government as owner in Possession of the suit land and the present defendant is not bound by the same as the factual position of the spot is to the contrary. The defendant has constructed a house without any interruption over the said land. The proceedings of the encroachment which have been initiated against the defendant are wrong, without jurisdiction and without sanction of law.
4. That the defendant has invested a huge amount on the construction of the said House and during the construction of said house, the State of HP never interrupted the possession of the defendant at the time of construction of this house. Nothing was done by the State Government when slab was being put up over the house. Moreover, the defendant has put the slab during broad day light. Keeping in view the above fact, the defendant has become owner in possession of their suit land by way of adverse possession and this fact is also in the knowledge of the State of HP. The State of HP never interfered with the peaceful possession of the defendant over the suit land except while initiating these encroachment proceedings against the defendant now.

P.T.O

It is therefore, prayed that the proceeding against the defendant be dropped and the defendant be declared owner in possession of the land comprised in Khata Khatauni No. Nil Kh.No.3/1 measureding 0-3 Bighas, situated in Village Namhol, Par – Kunihar, Tehsil Arki, District, Solan.

Defendant.
(Rikhi Ram)

1. How will you decide the case in your capacity as Assistant Collector Ist Grade, Arki, considering the issues involved, the likely evidence that may be put in by the contesting parties in support of their contentions and the relevant law that may be cited by the parties?

100 Marks.
