

DEPARTMENTAL EXAMINATION OF IAS/ HAS OFFICERS OF
HIMACHAL PRADESH

JULY-AUGUST, 2006

Paper No.5

Revenue Case

Time Allowed-3 Hours

Maximum Marks-100

NOTES:- 1.Both questions are compulsory.
2.Barre Acts/ Rules can be consulted; Quote relevant provisions wherever desirable.

Q.No. 1 A piece of Government land comprised in Khasra No.81 measuring 0-18 Bighas situated in revenue estate Mandi Sadar was obtained by Khatri Welfare Society, Mandi on a term lease for 10 years against Rs. 639/- annual Lease money for starting an old age home. The lease was sanctioned by the Commissioner, Mandi Division on 9.6.1995 and possession was handed over To the Society on 14.7.1995. The Society built a single storeyed building And started the old age home from 1.11.1997. On a casual visit to the old Age home on 18th January, 2001 the Deputy Commissioner, Mandi Happened to check the lease deed executed between his predecessor and the President of the Society on 27.6.1995 and he found that it had out-lived its Tenure without having been renewed or extended . He referred the matter to Tehsildar, Mandi directing him to initiate ejectment proceedings against the Society terming the latter as encroacher on the Government land.

1. Are the orders of the Deputy Commissioner legal in this case? If yes, Then how would the Tehsildar proceed in this matter ? Explain the procedure in brief.
2. A Revenue Officer under section 127 of the H.P. Land Revenue Act, 1954 can refuse the application for partition on Good and sufficient cause. Explain whether his order bars any subsequent application or not, and why?

Q.No.2 Mohan and Sohan are recorded joint holders in possession of land Measuring 60 Kanals in Village Dehra, Tehsil Palampur. Mohan was Serving in Army and Sohan cultivated the entire land for about 15 years. On return from Army Mohan applied for partition of land but Sohan Objected saying that since he was in possession of the entire land for Long, he had improved the land at his own expenses and labour to a large Extent and therefore,

Before Mohan was given his share he should pay to Sohan half of the total Expenses incurred on improving the joint holding besides Rs. 25,000/- as Compensation for disturbance, or the partition be refused.

In your capacity as A.C. Ist Grade explain:-

1. Whether Mohan's objection is valid or not?
2. Whether you can refuse to grant Mohan's application in these circumstances and why ?
3. How would you decide the issue as to whether Mohan has a right to partition without or on paying the demanded charges by Sohan?

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