

DEPARTMENTAL EXAMINATION FOR TEHSILDARS/NAIB TEHSILDARS OF
HIMACHAL PRADESH, APRIL, 2010.

PAPER NO.6 REVENUE CASE Maximum Marks 100

Time Allowed- Three hours.

Note:-
1. Answers may be written either in Hindi or English.
2. Credits will be given for citing updated relevant provisions of the Law/Rules.

Q.No.1 One Sh. Vijay R/o Village & Tehsil-Paonta, has filed an application before AC 1st grade Paonta Sahib stating that he is the joint owner of the land bearing Kh.Nos.110 & 111 measuring 250 bighas situated in village & Tehsil.Palampur alongwith one Sh. Gian Chand whose predecessor had wrongly been inducted as a tenant by the revenue department. Infact, the land described above is a joint holding of both the parties and was given in mortgage to Sh.Gian Chand's predecessor by the predecessor of the applicant. The mortgage had now been redeemed by the order of the sub Divisional Collector, Paonta. It is further stated that the order of the Collector regarding redemption of mortgage having not been challenged, and possession has been delivered to him by the Collector, he has a right to take possession get the entry corrected in his name as "Kashat Swaim" Vijay Hissadar. The applicant Sh. Vijay has further pleaded that Sh.Gian Chand being the Joint owner could not be inducted as a tenant since a tenant means a person who holds land under a land owner and land owner includes any person in possession except a tenant or any assignee of land revenue. The respondent being a joint owner cannot have the status of a tenant of the land owned by him jointly with the applicant.

The respondent Sh.Gian Chand has pleaded that he through his predecessor is a tenant within the meaning of section -2 (17 of HP Tenancy and Land Reforms Act 1972) and hence the correction as prayed for by the applicant cannot be allowed.

The evidence put in by the applicants reveals that the land was given by his predecessor on mortgage to the predecessor of the respondent Sh. Gian Chand and that the predecessors of the applicant and that of the respondent held land jointly.

The respondent did not put in any oral evidence and pleaded his case stating that he was a tenant within the meaning of section-2(17) of HP Tenancy Reform Act, 1972. Revenue entries recording him as a tenant could not be changed after there being so recorded for more than 15 years.

On the basis of aforesaid pleadings:

- (1) *Frame the issues requiring determination in the case* 20 Marks
- (2) *Write a speaking and well reasoned order citing relevant provisions of the Law:*

80 marks