

**Departmental Examination for Teshildars/Naib Tehsildars  
April, 2012.**

**Paper Number 6 : Revenue Case**

**Maximum**

**Marks: 100**

**Time : 3 Hours.**

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**Note:**

1. All questions are compulsory.
2. Answers may be written either in Hindi or English.
3. Only Bare Acts and Rules can be consulted.
4. Reference to case law will carry extra marks.

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Q.No.1. Shri RamPrakash Son of Shri Parsh Ram Resident of Village Sahora Tehsil and District Kangra (HP) filed an application before The Assistant Collector 1<sup>st</sup> grade Kangra for the partition of Khata Khautoni No 124/20/213 kita 34 measuring 03-47-13 hectares situated in village Sahora Tehsil and District Kangra. He impleaded the other co-sharers viz Purshotam his uncle, his brothers Ramesh and Suresh, his sisters Roshni and Champa as respondents. The respondent Shri Purshotam contested the application on the grounds that private partition had taken place between him and his brother and hence this application is not maintainable on this sole ground. In his rejoinder the applicant and other respondents denied the factum of private partition and alleged that the respondent Shri Purshotam was taking undue advantage of having the land under his possession of better classification and land adjoining to the road. The copy of the private partition as agreed upon between the father of the applicant and the respondent Shri Purshotam was also produced. The said agreement to partition was duly signed by the father of the applicant and the respondent No.1 and in the presence of two witnesses. The applicant however, submitted the copy of Zamabandi and Khasra Girdawari wherein there was no mention of possession in accordance with the private partition. Taking cognizance

of these facts AC 1<sup>st</sup> Grade decided to convert himself into a Civil Court for which the petition was accordingly filed by respondent No.1 Shri Purshotam. In the petition the parties took the same stand regarding the factum of private partition. It was proved with the help of the witnesses that partition had already been affected between the respondent No.1/petitioner and the father of Shri Ram Parkash. But this partition agreement was neither produced before the Revenue Officer for its implementation nor the possession was delivered on the basis of the agreement.

On the basis of the aforesaid pleadings;

- 1) Frame the issues for determination of case -----15 marks
- 2) Write a reasoned judgment citing the provisions of law.

**50marks.**

Q.No.2. Roshan Lal S/O Shri Prem Chand resident of village Sanana, Tehsil Shimla (Rural) district Shimla is recorded as non-occupancy tenant against the Govt. of Himachal Pradesh in the land comprising in Khata Khautoni No 40/136 min Kh. No 252 land measuring 7-5 Bigha situated in village Sanana, Tehsil and District Shimla. He is recorded as such since 1951 and in paying rent to the government. His request to confer proprietary rights was turned down by the Revenue agency, hence he files an application for conferment of ownership right before, the LRO Shimla (Rural).

The entries in revenue record revealed that the applicant was recorded as non-occupancy tenant over the land in dispute and is paying rent to the tune of Rs. 5 annually to the Government of which the applicant produced the receipts since 1972. He produced Namberdar of the area concerned and two other as witnesses who also corroborated the stand of the applicant in their statement. The representative of the Govt. argued that after insertion of proviso below Sub-Section (9) of Section 104, the proprietary rights cannot be conferred on the applicant, tenant and therefore prayed that the present application may be dismissed with cost.

In view of the above:

Write a detailed order citing the relevant case law.

**35 marks.**