

Departmental Examination for Tehsildars/Naib Tehsildars

October 2010

Paper Number 6: Revenue Case

Time: 3 hours

Maximum Marks: 100

.....
Note:

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

Question 1

1.1.2009: Sh Ajay Kumar son of Sh Ram Lal resident of Village Krishanpur, Tehsil and District Solan goes to the Patwari of his Patwar Circle Krishanpur and reports that his father Sh Ram Lal has died on 12.12.2008 and has left an unregistered Will written on 15.11.2008 vide which he has willed his entire landed and other property in his (Ajay Kumar's) favour. He produces the Will of his father before the patwari who examines it and returns it to Ajay Kumar. Patwari enters the report in his record and tells Ajay Kumar that he will be called when the Assistant Collector will come for attestation of mutation.

15.01.2009: Assistant Collector visits the Patwar Circle and holds jalsa-e-aam. On that date Sh Ajay Kumar is present along with the scribe of the Will and both the Witnesses. He presents the Will before the Assistant Collector. Smt. Geeta Devi, daughter of Sh Ram Lal, is also present in Jalsa-e-Aam and objects to the attestation of mutation on the basis of the Unregistered Will. She states that the Will can not be relied upon as it has been executed under pressure of Ajay Kumar as her father was of unsound mind and he could not have taken sane decision. She says that the Will should be attested as per the Hindu Succession Act and property should be distributed amongst all the legal heirs in equal shares. Assistant Collector hears both sides and examines the record. He postpones the case for the next date (15.2.2009) and orders that all legal heirs be called.

15.02.2009: On this date Ajay Kumar, Vijay Kumar sons, Geeta Devi daughter and Bimla Devi, wife of Ram Lal are present. Ajay Kumar pleads that Mutation be registered on the basis of unregistered Will. Geeta Devi and Bimla Devi state that the landed property which was self acquired by Ram Lal be divided in equal shares. Vijay Kumar presents a Registered Will executed on 1.1.2007 by his father by which Ram Lal had Willed his property in favour of Vijay Kumar and Ajay Kumar in equal shares and has specifically stated that Geeta Devi and Bimla Devi should not get anything. He pleads that the Registered Will be relied upon and states that the Unregistered Will can not be relied upon as his father had gone insane after December 2007. Ajay Kumar pleads that both his mother Bimla Devi and sister Geeta Devi were living separately from his father and were not taking care of him and his brother was also living in Delhi. No one else took care of his father when he was not well, therefore his father executed a Will in his favour in his senses and in the presence of witnesses who are also present. After hearing the parties the Collector passes the order.

Assume you are Assistant Collector pass the orders on 15.01.2009 (15 marks) and 15.02.2009 (35 marks).

Question 2

Sh. Raj Kumar Sharma son of Sh. Vikram Sharma files an application for partition before AC I Grade, Nahan pleading that he is co-owner in Khata/Khatauni 15/24; Khasra Numbers 14, 15, 16, 17, 18, 19, 19/1, 19/2, 20, 21, 22 and 23 measuring 135 bighas to the extent of one tenth share. AC I Grade marks the application to the Field Kanungo for field report. Field Kanungo reports that Sh Raj Kumar is co-owner but he is not in possession. The land is possessed by his cousins, other shareholders. AC I Grade issues notice to all other shareholders, five in number. The other shareholders dispute the claim of Raj Kumar and state that his father Vikram Sharma had in his life time entered into a family partition and had relinquished his share in favour of his two brothers. This fact can be verified from the old village records, therefore Sh Raj Kumar has no right in the land. Sh Raj Kumar on the contrary challenges the position taken by other shareholders and pleads that the so called family partition never took place. He further pleads as alternative that even if such a partition had ever taken place it has no legal sanctity as his legal right can not be extinguished by such alleged arrangement. AC I Grade frames a preliminary issue to decide the competing claims of parties and hears the parties who argue in favour of their competitive claims.

1. Frame the preliminary issue.

(5 marks)

2. Pass an order deciding the preliminary issue.

(20 marks)

Question 3

As AC I Grade you receive a report that one Lala Ram has encroached upon government land measuring 0-7 bigha comprised in Kharsa Number 23, revenue Village Haripur, district Una.

1. Pass a reasoned order starting proceedings under the HP Land Revenue Act.

(10 marks)

Parties lead their evidence. Sh Lala Ram pleads that he is in possession of the said land since the time of his forefathers and presents three witnesses from the village. Field Kanungo pleads that there is no entry in the revenue record, either in Jamabandi or Khasra Girdavri to support the claim of Lala Ram. Lala Ram counters this that on spot his cow shed is there which is there since he was born and that this fact can be verified from field visit. The Field Kanungo states that the so called shed has been constructed by Lala Ram a few months back only when he got to know that proceedings will be stated against him, before that he had cordoned off the land.

2. Pass final order in this case under the HP Land Revenue Act.

(15 marks)