

HP BOARD OF DEPARTMENTAL EXAMINATION
DEPARTMENTAL EXAMINATION FOR TEHSILDARS
SESSION, APRIL, 2013

PAPER- 6 REVENUE CASE

Time Allowed: 3 Hours.

Maximum Marks: 100

Note:-

1. Attempt all the question –Marks are given at the end of each question.
2. Credit will be given for citing relevant provisions of Law/ Rules.

Q. No.1

The applicant Shri Nika Ram S/o Shri Sohan Lal filed an application before the Assistant Collector 1st Grade Nalagarh to the effect that he was owner in possession of the land measuring 7 Bigha 11 Bishwa situated in village Bhogpur, Pargana Plassi, Tehsil Nalagarh, Distt. Solan as entered in the copy of Jamabandi for the year 2008-09. The respondent State shown as the owner in the copy of Jamabandi" Sarkar Himachal Pradesh was wrong, illegal, null and void. The applicant further submitted that the land was allotted to him as tenant/ Chakotadar by the respondent State as per the policy of Government in the year 1963-64. It was made clear in the allotment order that the applicant would be liable to pay land revenue apart from the lease amount and thus was put to possession of the land in question. But the instrumentalities of the State have started interfering with his possession and therefore, prayed for the conferment of proprietary rights as per the provisions of law in section 104 of HP Tenancy & Land Reforms Act, 1972 read with Rule 27.

The respondent State contested the application by taking preliminary objections of maintainability, want of notice U./S 80 of CPC, limitation and jurisdiction. It was alleged that the applicant had not paid any Chakota to the State and Chakotadar could not be a tenant. It was further alleged that the proprietary rights in respect of land could not be conferred upon the applicant as law did not provide it. The respondent State denied the claim of the applicant and prayed not to allow the application.

The applicant himself appeared in the witness box and supported his version. He tendered in evidence, the copy of notice under section 80 of CPC, postal receipt and acknowledgement. The applicant also examined Jeet Ram who supported the claim of applicant as to have in possession of the land in question for the last 50 years.

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Roshan Lal, Nambardar in his statement stated that the plaintiff was coming in possession of the land and he collected land revenue from the applicant for the last 17 years and prior to that his father used to collect land revenue.

District Attorney on behalf of State recorded the statement of patwari who stated that the applicant was Chokotadar and not Gair Mourusi. He further stated that as per the provisions of law, the applicant cannot get proprietary rights.

With these pleading and evidence on record and the arguments on the expected lives:-

- (1) Write a detailed order in the capacity of Land Reforms Officer.
- (2) Write Order Sheet of the day.

(40+15=55)

Q.No.2

Patwari, Circle Dhamata, Tehsil Nurpur, Distt. Kamgra sent a report alongwith Tatima to Tehsildar Nurpur that Shri Lok Raj S/o Shri Balwan Singh has encroached upon Govt. Land Comprised in Kh. No.337 measuring 0-03-07 situated in village Dhamata by constructing a building. Tehsildar, as Revenue Officer issued a show case notice to him as to why he should not be ejected from the above mentioned land. In reply to notice Shri Lok Raj stated that he has constructed the building presuming that it was his own land and further stated that if that was Govt. land he was ready to pay market value of the same and ready to exchange his land with the Governemnt.

As PW-I, Patwari, Rakesh stated that the act of encroacher is a serious matter and he may be ejected with exemplary fine. In his cross examination he stated that neither the action is compoundable with market value nor an encroacher can get the benefit of exchange as nautor Rules are not applicable. Moreover it would be a gift to the encroacher if his prayer is accepted.

On behalf of the respondent, Shri Lok Raj himself recorded his statement with the same averments that he made in the reply to the notice and submitted the record to show that he had raised the loan from the bank

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to the tune of 20 lakhs. He also recorded the statement of village Pradhan who stated that the possession of Lok Raj is for the last 5 years but pleaded that the encroachment may be regularized as per the policy of Govt. either by way of market value or exchange.

The Proceedings could not be completed by the Revenue Officer within six months.

On the basis of the above facts & evidence:-

1. Write an interim order recording reasons for not deciding the case within 6 months.
2. Write detailed order deciding the case.

(15+30=45)