

**H.P. BOARD OF DEPARTMENTAL EXAMINATION**

DEPARTMENTAL EXAMINATION FOR TEHSILDARS OF  
HIMACHAL PRADESH, OCTOBER, 2014

PAPER No.6      REVENUE CASE

Time allowed: 3 Hours

Max. Marks: 100

Note:

1. Attempt all the questions.
2. Bare acts/ Rules can be consulted.
3. Refer to relevant law/ rules and case law.

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**Q.No.1** Land comprised in Khata/ Khautoni No. 17/24 Kita 18 measuring 01-17-86 hac. was jointly owned by Sohan Lal & Ram Lal S/o Roop Dass in Village Kothipura, Tehsil and Distt. Bilaspur. Smt. Balnu & Bimla inherited the estate of Shri Sohan Lal who gifted their share to Lachhami Nand, Sheesh Ram and Daya Nand. Sh. Ram Lal gifted his share to Sohan Lal who later on sold it to Muni Lal S/o Roshan. An oral partition took place between Muni Lal and Lachhami Nand and the parties came into separate possession of their respective shares and development the land by planting an orchard thereupon. In 2004 Sh. Lachhami Nand sold his land to Sh. Muni Lal. Since the oral partition was not recorded in the revenue record, Sheesh Ram and Daya Nand, taking advantage of the same moved an application under section 123 of the HP Land Revenue Act to the Assistant Collector 1<sup>st</sup> Grade Bilaspur for seeking fresh partition of the above mentioned land. The defendants resisted the application on the plea of private partition which was binding upon both the parties and estoppel applied against the applicants for seeking fresh partition. The applicants, however, submitted the copies of Jamabandi and Khasra Girdawari, showing the land in joint ownership and possession. The AC 1<sup>st</sup> Grade, after considering the pleadings of the parties and the record placed on the file, came to the conclusion that question as to title is involved in the case, hence the present suit has been filed by the plaintiffs before the AC 1<sup>st</sup> Grade (Exercising the powers of Civil Court). The pleadings of the parties were as above, however, the defendants produced Sh. Nek Ram Nambardar who stated that the possession of parties is as per the oral partition. The Patwari Kothipur Sh. Nika Ram, however, confirmed the

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correctness of revenue record in his statement. The arguments of the parties were on expected lines.

Keeping in view the above facts, pleading and arguments of the parties:-

1. Write a detailed judgment.
2. Frame the decree sheet accordingly.

(40+20=60)

Q.No.2 A report was filed before the Tehsildar Kotkhai by the Patwari shila Tehsil Kotkhai, Distt. Shimla informing therein that one Sh. Mansa Ram S/o Sh. Shyam Lal had encroached upon the Govt. Land Comprised in Kh. No. 262.1656,2622,1656 and 2671/2234 Kita 3 measuring 16 Bigha situated in revenue estate Shila by planting apple orchard. On receipt of the said report Tehsildar Kotkhai issued a notice to Mansa Ram as to why he should not be ejected from the said Govt. land. He was to file reply to the notice within a period of one month positively failing which it would be presumed that he has nothing to say and the Court will ~~proceed~~ <sup>proceed</sup> accordingly.

Sh. Mansa Ram replied to the notice within stipulated period. In his reply the alleged encroacher submitted that the case had wrongly been made out against him as his possession over the said land was more than 60 years. He also raised the question of maintainability of the case before the Tehsildar as by way of adverse possession he had become the owner of the said land. During the proceedings the Patwari & Kanango stated that the encroachment is not very old and that is why the possession of the alleged encroacher was not recorded during last settlement operation. Sh. Mansa Ram recorded his statement and the statement of the Nambardar Sh. Nihal Singh and two other residents Sh. Keshar Ram and Sarnu who all stated old possession of the alleged encroacher.

On the basis of these facts & pleadings; answer the following:-

1. The Tehsildar could not decide the case within six months, write the interim order, write the order to extend the period of 3 months with reasons to be recorded in writing as required under section 163 of HP Land Revenue Act.
2. Write the detailed order.

(15+25=40)