

**DEPARTMENTAL EXAMINATION FOR TEHSILDARS**

**OCTOBER- 2013**

**PAPER – 6                      REVENUE CASE**

**Time allowed: 3 Hours**

**Maximum Marks: 100**

**Note:- 1 Attempt all the questions.**

**2 Bare acts/Rules can be consulted.**

**3 Refer to relevant law/rules and case law.**

**Question No . 1**

Jamabandi for the year 1965-66 describe khasra nos 352, 382 and 418 and khasra no.382 measuring 1 kanal 1 marla. S/Sh Parmeshwari Dass, Ishwar Dass, Subhash and, Surinder Chand, Ramesh Chand sons of Khazana Ram have been recorded as owners of these khasra nos in equal shares. One Bhareptu has been recorded as non-occupancy tenant on payment of galla- batai Nisfi. Copy of Jamabandi for the year 1956-57 for khasra nos. 260 and 288 and 1540/312 show Khazana recorded as owner while Bhareptu has been recorded as tenant in occupation on payment of gala-batai nisfi as rent. Jamabandi for the year 1960-61 show the same entries. In the settlement operation that follows new Kh. No 2435 carved out of 382/4 is shown in ownership and possession of Ramesh Chand. Another Kh. No.2437 made out of 382/2 has been shown in ownership and possession of Subhash Chand whereas Kh. No.2436(old 382/3) has been shown in ownership and possession of Surinder Chand. Similarly Kh. No 2438 (Old Kh. No.382/1) has been recorded in ownership and possession of Ishwar Chand. In the remarks column, it has been referred that on the basis of mutation no 319 and 320 of sales, Ishwar Chand and Subhash Chand transferred the said khasra nos. in favour of Ram Prakash. Similarly jamabandi for the year 1982-83 show that Surinder Chand and Ramesh Chand through mutation nos 321 and 322 have sold the land in their ownership to the said Ram Prakash. Now Sh. Sardana files an application saying that he is in cultivating possession of the land as successor of aforesaid Bhareptu as non-occupancy tenant on payment of rent and has

acquired the proprietary rights in the land by operation of law under the tenancy and land reforms law. According to him, previously his father was cultivating the land and after his death, he as successor-in-interest has been cultivating the said land as non-occupancy tenant. It has been claimed that he is an illiterate simple man whereas the opponents being influential men, during the settlement operations, in connivance with revenue staff managed to get the entry of self cultivation in the column of possession. He avers that entry of tenancy has been wrongly deleted and his father never relinquished the tenancy and was never ever ejected from the land and he continues to be in possession of the land in question. He thus claims that he has become owner of land long ago. The defendants resisted the claim on the ground that the claimant never cultivated the land as a tenant nor his father was inducted as a tenant and the land was in possession of the vendors. It has been submitted that the relationship of landlord tenant never existed between them and settlement authorities rightly recorded entries in the record.

Based on the averments, put the case to trial, frame the issues and write a detailed, reasoned order in the light of relevant laws.

(15+50)

**Question No. 2**

Bajinder filed a complaint before Assistant Collector, Shimla on 10<sup>th</sup> March, 2012 saying that Chet Ram has encroached upon government land measuring 0-0-8 bighas, shown as Khasra no.234/3 in mauza Kasumpti, tehsil and district Shimla and requested that he be ejected from the land in question. The Assistant collector initiated the proceedings which were resisted by Chet Ram on the ground that the land in question is abadi-deh and he being a permanent resident of the revenue estate; he has every right to use and enjoy the property. He claimed that being abadi-deh, Land was not assessed to land revenue and as such proceedings under section 163 of the land revenue act was not maintainable against him. He further contended that he otherwise also constructed the house long ago before 30 years and was carrying on his business there since then. His plea was negated on the ground that Chet Ram had no right to encroach upon the

land, which had been reserved for common purposes as land was by the side of PWD road and near to primary health centre and patwarkhana. It was stressed that assistant collector was fully competent to try the matter. On hearing the matter, somehow the assistant collector directed the said Chet Ram to file a suit before him to enable him to decide the issues converting him into the civil court. Chet Ram accordingly goes on to file the suit and reiterates all the aforesaid grounds and claims title and alternately a rightful occupant of the land being a permanent resident of the revenue estate and the nature of land that it is.

In the light of the facts, frame issues and decide them as per provisions of law, citing relevant provisions and case law.

(10+25)