

**H.P.BOARD OF DEPARTMENTAL EXAMINATIONS
DEPARTMENTAL EXAMINATION FOR IAS/ HAS OF HIMACHAL
PRADESH SESSION MAY- JUNE, 2009**

PAPER-5

(REVENUE CASE)

Time Allowed: 3 Hours.

Maximum Marks: 100

Note:-1. All questions are to be attempted.

2. Only bare Acts and Rules are allowed to be consulted.

3. Relevant provisions of law must be quoted wherever necessary.

Q.No.1 A Report received from Assistant Collector Ist Grade (Tehsildar) by the Collector, Sub Division, Shimla (Rural), Shimla states that as per field Kanungo, Kasumptti dated 08-02-1994, land bearing Khasra No. 1200/ 498/ 3 Measuring 0-1 bigha in Mauza Badhai is in unauthorized possession of Shri "A" resident of Katchi Ghati by way of constructing a house. The report Further states that on 01-03- 1994, he alongwith revenue field staff after Visiting the spot and after going through the record, found that the land Allegedly encroached upon is recorded in ownership of Government of Himachal Pradesh with possession entry of HPPWD. The tatima prepared In respect of above was reported to be after informing through public notice Dated 23- 02- 1994 wherein the persons concerned were desired to be present On the stated date when field staff proposed to visit. The respondent who was Served notice under section 4 (1) of H.P. public Premises and Land (Eviction And Rent Recovery) Act, 1972 contested by saying that he was not associated At the time of preparation of tatima and no proper demarcation was carried Out on the spot. Moreover, he was bonafide possessor of the land and has not Encroached upon the government land. The construction, if any, was raised on His own land.

Based upon the above facts and report, write a detailed well reasoned order.

(40 marks)

Q.No.2 "A" was granted a piece of land measuring 3-0 bigha in mauza Jhatangri, Tehsil padhar under ' Allotment of Land to Landless and other eligible persons Scheme, 1975'. There is an instruction from the government vide number Rev 2 (A) (3)- 11/ 77 dated 05-03-1988 (Copy Annexure 'A') to the effect that an Allotee under the above referred scheme cannot transfer such land within a 20 years or till the life time of his wife. "A" executed a will in favour of "B" Who happens to be some neighbour. "A" died before expiry of the stipulated Period and left with a widow. Based upon the will, learned AC_II Grade Attested mutation of inheritance in favour of "B". Wife of "A" preferred an Appeal before Ld. collector for setting aside the mutation order in view of the Above stated instructions and asserted her claim on the property of her Deceased husband.

Based upon above facts, write reasoned order on the appeal of wife of "A".

(30 Marks)

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Q.No.3 One Smt. Chandi was recorded as owner in respect of land in khata No., kita 3, Area 0-13 bigha, mauja Rampur and mortgagee in respect of khasra number 323, area 1-06 bighas on land owned by Shri Ram Chand son of Shri Gangia And Smt Janaki widow of Shri Gangia, both resident Collector II Grade Attested mutation of inheritance vide number 772 dated 24-11-94 of Smt. Chandi after her death on the basis of registered will, in favour of one Shri Rameshwar Kumar son of Shri Krishan Dev Sharma resident of village and P.O. Rampur (keonthal). The matter was raised before Ld. Sub- Divisional Collector, Shimla by Shri Ram Chand and Smt. Janaki in an appeal preferred By them that no opportunity of being heard was afforded by the Ld. Assistant Collector II Grade while attesting the mutation and the land in question was Owned by them and Smt. Chandi was only mortgagagee and she was not in Possession of the land in question. Even the amount of mortgage has been paid By them which was received by Smt. Chandi in the presence of her husband Shri Sukh Ram and the civil litigation is pending in the Court. The appellants Prayed for setting aside order of Ld. Assistant Collector II Grade on mutation Copy of the mutation is annexed as per Annexure "B" and the appeal preferred Is within limitation etc.

Based upon above facts, write detailed well reasoned orders on appeal
By citing appropriate provisions of law. **(30 marks)**
