

HP BOARD OF DEPARTMENTAL EXAMINATION.  
DEPARTMENTAL EXAMINATION FOR TEHSILDARS, HP.  
OCTOBER ~~2014~~, 2015.

PAPER NO. 6

REVENUE CASE

MM 100

Time Allowed: 3 hours

- i. Attempt all the questions.
- ii. Bare Acts/Rules can be consulted.
- iii. Refer to relevant Law/Rules and case law.

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Question No. 1

One Yudhvair joined the Indian Army on 9.8.1963 and served the force with great zeal and vigour for long years upto 9.9.1985. While serving in far flung areas of Eastern Borders he could not cultivate his land personally nor any of his family member was available to cultivate the land he owned in mohal Sirinagar of tehsil Kandaghat of Distt. Solan. As a result ,he inducted one Shri Chet Ram of his village as his tenant in the year, 1981 on " gala batai" on the land comprising Kh. no. 3 area measuring 3.1 acres and Shri Madan Singh on the land appurtenant to kh no. 6 , land measuring 4.2 acres. Both the tenancies were created in the year, 1981 simultaneously at a time when said Yudhvair was in the army. After his retirement in the year 1985, he filled up LR-V and sought resumption of his land and submitted the applications to the Land Reforms Officer during October ,1985 i.e. within the prescribed period . The applicant had inherited the estate from his father , who expired during the 1965 war and all his brothers inherited the estate in equal shares.

The tenants filed objections to the request of the applicant on the ground that he is not entitled to resume land from them as he was already in possession of the prescribed land as per the land revenue records available , as according to them, he was holding land considerably in excess of the limit of five acres. they accordingly requested that his application be dismissed and proprietary rights be conferred on them in respect of the land held under tenancy. The applicant pressed his application and submitted that he is entitled to resume land as per provisions of the Tenancy Law.

Based on the rival contentions and relevant law

- (i) Write a detailed order as a court of competent jurisdiction; and  
(38 Marks)
- (ii) Write two interim orders on point of limitation.  
(12 Marks)

Question No. 2

Surinder Kumar, Devinder Kumar and Ramesh Kumar sons of late Shri Manohar Lal and Rajinder Kumar son of late Shri Girja Nand filed an application for partitioning of their share in the land jointly held with other co-owners before A.C. st grade, Shimla in respect of khata/ khatauni nos 2/ 12-35 comprised in kh nos 210-

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232, 432-439, 765-774 and 987-994 kita 57 measuring 3-49-22 hectares situated in Mohal Kasumpti, Tehsil and Distt. Shimla as per jamabandi for the year , 1997-98. After processing the matter the Assistant Collector issued the notices to the parties and in the proceedings that ensued one of the respondents Shri Narinder kumar submitted his reply saying that the land in question has already been partitioned by Shri Rama Nand, their predecessor by way of a will and by virtue of the said will, the ownership of the land in question is not joint between the parties and as such , according to him, there was a question of title involved and hence that question need be resolved first. The main assertion of the objector was that the remote ancestor had already partitioned the land by way of the will and the succession of said Rama Nand devolved through the will in favour of all the sons and daughters were excluded . None of the sons or any other affected party ever challenged the will or the mutation based on the will. The parties also admit the entries based on the will as true and correct and hence as per the version of the said objector, there is nothing to be partitioned now. The applicants on the other hand submit that no partition has taken place as mutation of inheritance cannot be confused with partition and no severance of shares by metes and bounds have taken place. They accordingly contended that partition as prayed for may be carried on as per law immediately.

On the basis of facts and submissions:

- (i) write a detailed order as a court of appropriate jurisdiction. (38 Marks)
- (ii) write an order resolving the dispute relating to inheritance. (12 Marks)