

**DEPARTMENTAL EXAMINATION FOR TEHSILDARS
HIMACHAL PRADESH APRIL, 2014.**

PAPER No.6

REVENUE CASES.

Time Allowed: 3 Hours

MM:100

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

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Q.No.1 Dinesh and Mohan are sons of late Sh. Pratap Singh, who have their land in two revenue estates namely Jhared and Sanahar, Tehsil Thunag, Distt. Mandi. Both the brothers entered into an agreement, executed before and attested by the Executive Magistrate in 1984 that Dinesh and Mohan would settle and hold the land in village Jhared and Sanahar respectively. However, both of them were remained recorded as owners in possession in each revenue estate. In 2007, Dinesh filed two applications before the Assistant Collector 1st Grade, Thunag for the partition of land comprised in Khata/Khatoni 2/18 Kita 7 area measuring 00-56-68 hect., and Khata/Khatoni No. 6/20 Kita 7 area measuring 00-53-61 hect. in Jhared and Sananar respectively. In reply to these applications Mohan contested as non-maintainable and as estoppels caused by the agreement. The ground for other challenge was that he had developed the land by making the entire land in his possession, irrigatable by constructing rain water harvesting tanks with drip irrigation system with the cost of 08 lakhs. On the basis of these pleading the AC 1st Grade came to the conclusion that question of title was involved in the case hence asked the applicant to file the petition before him as he decided to proceed as a Civil Court.

Dinesh filed the petition for the issuance of declaration as to enable him to seek partition of the suit land and pleaded that the presumption of truth was attached with the entries of Record-of-Rights and he being owner in possession in both the villages, entitled to seek the partition. The agreement, he asserted, should not be taken as a ground for estoppels as that being a temporary arrangement and therofre, not entered into the Revenue Record. He further stated that Mohan should have developed the land to the extent of his share only.

Mohan in his reply to the petition reasserted the same grounds as in the application or partition and prayed to dismiss the petition with cost. Presume the pleadings and arguments on expected lines and attempt the followings:

- (a) Write a detailed Judgment. (40)
- (b) Prepare the decree-sheet in consonance with Judgment. (20)

Q.No.2 Shri Rajesh Kumar S/o Sh. Amar Singh R/o Village Rain, Tappa Nanawan, Tehsil Barsar, Distt. Hamirpur, HP filed an application on 06.10.2012 before the Assistant Collector Ist Grade, Tehsil Barsar Distt. Hamirpur stating therein that he has been discharged from the army on 31.08.2012. He stated that Sh. Ramu S/o Sh. Roshan is recorded as non occupancy tenant over his land comprising in Khata/Khotoni No. 4/11 kita 17 land measuring 00-67-71 hect. He prayed that he may be allowed to resume land for personal cultivation as provided under law. The Assistant Collector Ist Grade issued notice to the tenant Sh. Ramu who submitted that since Sh. Rajesh Kumar has been discharged from the Army so over the above mentioned land he may be conferred

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with proprietary rights as in addition to above land Rajesh Kumar has around 01-17-37 hect. in his name in other Khata No. which the applicant has not disclosed.

Ramu during the proceedings produced the copy of Jamabandi showing the above land in the name of Sh. Rajesh Kumar which was exhibited as D1. The applicant however, contested the assertion of the respondent and stated that he had served in armed forces and is entitled to resume the land under the provisions of law.

With these facts of the case attempt the following:

1. Write a detailed order in the capacity of Revenue Officer of competent jurisdiction. (25)
2. Write the order sheet of the day. (15)
