

Departmental Examination for Tehsildar/Naib-Tehsildar of Himachal Pradesh, September, 2008.

Paper No.6 – Revenue Case

Time Allowed: 3 Hours

Maximum Marks: 100

1. Answers may be written in English or Hindi.
2. Credit will be given for quoting relevant provisions of Law.
3. Only bare Acts/Rules may be consulted.

One Shri Shiam Singh S/O Shri Gian Singh R/O Village Sourog, Tehsil Rohru has filed application before the AC Ist Grade Rohru stating :-

- (i) That the applicant has been in physical possession of the land comprised in Kh.No.111 measuring 2-0-0 bigha for the last more than 35 years.
- (ii) That he has been maintaining the old plantation done by him over the land and planting new apple plants from time to time
- (iii) That the revenue entries recording the State of Himachal Pradesh as owner through the Forest Department are only paper entries incorporated by the revenue authorities due to ignorance or connivance.
- (iv) That no importance/relevance can be attached to the revenue entries which are not in accordance with the factual physical possession on the spot.
- (v) It is therefore prayed that the applicant may be ordered to be recorded as non-occupied tenant and propriety^{for} rights may be conferred under the HP Tenancy and Land Reform Act on the applicant.

The reply of the respondent State Govt. through the Forest Department is :-

- (i) In reply to Para I, it is submitted that the contention of the applicant is incorrect and hence denied. The revenue officer has no jurisdiction to decide any question as to right of which the applicant alleges to be aggrieved.
- (ii) As submitted above the revenue officer does not have any jurisdiction to decide the case by way of correction of entries and hence application deserves to be rejected out rightly. Possession of the applicant is denied for want of knowledge.
- (iii) The contents of this para are incorrect and hence denied.
- (iv) The contents of this para are denied. Presumption of truth is attached to Jamabandi entries which can not be corrected by way of summary inquiry .

In view of the submission made above, it is humbly prayed that the application may be rejected in the interest of justice and fair play.

DFO, Rohru,
For HP State Govt.

The applicant in his support of his contention produced three witnesses who corroborated in their statements, the contentions of the applicant that he had planted apple trees on the land some thirty years back and that the land has been in physical possession of the applicant for the last more than 35 years.

The Forest Department produced the patwari hulqua as a witness who stated (on the basis of Jamabandi entries) that that state govt. has been recorded as owner of the land in possession through Forest Department for the last more than 50 years in revenue record.

In your capacity as AC Ist Grade Rohru decide the case :

- (i) Framing issues requiring determined in the case -- 25 marks
- (ii) Write Final order in the light of relevant provisions of Law which may be discussed in detail. ---- 75 marks