

DEPARTMENTAL EXAMINATION FOR TEHSILDAR / NAIB-TEHSILDAR
OF HIMACHAL PRADESH, APRIL-2009

May/June

Paper No.6- Revenue Case

Time Allowed: 3 Hours

Maximum Marks: 100

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

Q. 1. Shri Ramesh Kumar, S/o Sh. Mohi Ram, R/o Kangra has been reported by the field revenue staff to have encroached upon the Government land comprised in Kh. No. 638, measuring 0-4 bigha in Village Kangra by constructing a temple which is a public utility place.

- (i) What procedure is required to be followed by you for initiating the proceedings?

(20 Marks)

- (ii) Write your detailed order, taking into consideration the evidence that is likely to be put forth by both the parties?

(30 Marks)

Q. 2. Shri Mohinder Singh, S/o Sh. Gurminder Singh, R/o Rohdoo has given application for partitioning the land comprised in Khata No. 119/2, Kita-50 measuring 50-0 bighas. There are 15 joint owners. One joint owner,

the brother of the applicant, Shri Kishore, S/o Sh. Gurminder only has objected to the partition on the ground that the land has been privately partitioned some fifteen years ago while all other co-owners have stated before you, the AC 1st Grade Rohdoo, that they have 'No Objection' in getting the land held jointly by them partitioned. One of them has sought partition of his share as well.

The applicant Shri Mohinder Singh in the rejoinder has vehemently denied the plea of the contesting respondent Shri Kishore stating that the fact of private partition has not been reflected in the revenue record and that the joint owners, except Shri Kishore have 'No Objection' rather one of the respondents / parties has sought partition which established that the private partition as alleged, has not taken place.

- (i) What issues would you frame to dispose of the preliminary objection raised to the partition proceedings?

(10 Marks)

- (ii) In the light of relevant provisions of Law, which may be discussed in detail, write order disposing of the issues so raised?

(40 Marks)