

H.P. Board of Departmental Examination
Fairlawns Shimla-171012
DEPARTMENTAL EXAMINATION FOR IAS/HAS OFFICERS OF HIMACHAL PRADESH
April 2017
PAPER -5 REVENUE CASE

Time Allowed -3 hours

Maximum marks : 100

Note: (1) Attempt all the questions

(2) The marks related to each of the questions are given at the end of the question

(3) Candidates should quote relevant provisions of Acts, rules and Manuals.

Question no. 1

Applicant Ramesh Kumar has filed before the Assistant Collector 1st grade of Tehsil Bhattiyat District Chamba an application for giving effect to the Khanagi Taqseem which he and his two brothers Harish and Ritesh, have carried out in relation to the land comprised in khasra numbers 51 -53 total measuring 29 bighas situated in village Kamli. The said partition has been carried out in the presence of Village Panchayat. However, on coming to know about the proposed khanagi partition, another person Sitaram files an objection before the Asstt. Collector grade I showing a deed allegedly executed by Harish whereby three bighas out of land coming to his(Harish's) share in the concerned joint land which adjoined the road had been mortgaged with him (Sitaram) by Harish .

Write a detailed order disposing off the application along with the objection while referring to the provisions of HP Land Revenue Act as Assistant Collector grade I.

20 marks

Question no. 2

The Applicant Sunder lal has filed an appeal before the Collector Tehsil Nalagarh that his forefathers had constructed his house in the land comprised in khasra number 141 measuring 6 biswas in village Chamia tehsil Ramshelar, District Solan, H.P. As proof of this he is giving the copies of the khasra girdawri related to year 1976 and 1979 along with the copies of old shajra-tatima. In the Jamabandi related to the said land he is also recorded as owner with possession. However, according to the applicant about five years back, settlement operations were carried out in the area in which almost 60% of his house has been shown to be existing in the adjoining forest land and as such on the basis of report from the forest department, the Assistant Collector has initiated proceedings under section 163 of HP Land Revenue Act against him and ordered him to vacate the government land by demolishing the portion of the house which falls in the government land. The appellant says that he came to know of the entries made after settlement only when notice under section 163 was issued against him and that he is prepared to get done the scientific analysis of his house to support his claim of its being constructed during the time of his forefathers. Decide this case in the capacity of Collector Nalagarh.

20 marks

Question no 3:

Teri products kangra, a proprietary firm of two brothers and one sister, had started its operations for manufacturing of Pet bottles, on private land adjoining the Industrial Area Damtaal, District kangra, by purchasing a plot from a local resident. These three partners of the firm belonged to Tehsil Fatehpur and were Himachali Agriculturists

and each had equal share in the concerned land. However, after around four years of operations, one of the brothers sold his share in the land as well as the industrial unit to another person in the locality who was also Himachali agriculturist and as such the business of manufacturing the pet bottles was now made a partnership business instead of proprietary business and was named as Teri Products Private Ltd Kangra. When the partnership concern thus formed, took up the matter with the local Tehsildar for transfer of ownership in their name, the tehsildar rejected the proposal on the ground that the firm required permission under section 118 of HP Tenancy and Land Reforms Act 1974.

Assuming that you are the Collector and registrar of the area concerned and the firm mentioned above comes to you with an appeal against the order of Assistant Collector cum sub-registrar refusing the proposed transfer in the name of new firm, decide the matter on the basis of detailed self-speaking order.

20 marks

Question No. 4:

Amarchand was the non-occupancy tenant in the land comprised in khasra no. 187/2 measuring 11 bighas and 10 biswas situated in revenue village Radyana in tehsil Indaura of District Kangra. This status of the tenant was reflected in the revenue record from the year 1981 onwards. This landlord of the said piece of land was one Sh Pratap Chand of the same village. The tenancy land and other land owned and cultivated by the Landlord Pratap Chand adjoined each other. Out of the land under tenancy, around 8 bighas chunk was washed away during the floods that struck the area in 2012. Thus, the tenant remained in actual possession and cultivation of only around three and half bighas of land. Due to the change of course by the river and consequent alluvion, in the year 2016, around 10 bighas chunk of cultivable land was formed in the same place. The landowner Pratap Chand took possession of the land which came by alluvion and started cultivating the same and opposed the entry of Amarchand and his family members on this piece. In support of his claim over the land formed by alluvion, Pratap Chand cited an old custom prevailing in the area which was recorded in the Wajib-ul-urz related to year 1997, and which stated that after submersion the land which diluviated became the property of the landlords free from all encumbrances including the tenancy. Thus, the fresh alluvion formed on the said land belonged to him. The tenant Amarchand on the other hand contended that by virtue of provisions contained in law he had become full owner of the land under his tenancy and therefore, the land which had been submerged earlier but came back through alluvion became his absolute property to the exclusion of all others.

- (i) Decide this case as Assistant Collector grade I while giving a detailed judgment along with provisions of applicable law in this regard.
- (ii) Write order sheet for the days when the parties appeared and when the case was finally decided

40 marks

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