

Board of Departmental Examinations

Departmental Examination for Tehsildar's/ Naiab Tehsildar's <sup>DEC</sup> November 2017.  
PAPER No. 6 . REVENUE CASE.

Maximum Marks: 100

**Note:** The candidates should answer both the questions.

**Q. no. 1.** One Sh. Sher Singh R/o Tehsil Dharmshala Distt. Kangra filed an application before the Assistant Collector First Grade Dharmshala on 16-07-1997 for partition of land comprised in Khata/ Khatoni No. 90/158, Khasra Nos. 334,335,336,517 and 518, measuring 0-54-30 ha situated in Mohal Swala, Mauza Gharoh, Tehsil Dharamshala Distt. Kangra. The Assistant Collector First Grade forwarded the application to the Assistant Collector Second Grade. The Assistant Collector Second Grade summoned the other co-owner and brother of the applicant, Sh. Sant Ram who stated that Khasra No. 518 measuring 0-05-84 ha which is adjoining to his abadi, had been given to him as per family settlement by their late father. He has subsequently developed the land by investing money on it. According to sh. Sant Ram Khasra No. 518 could not therefore be partitioned. He further stated that he has no objection if the other Khasra Nos. are partitioned. The Assistant Collector Second Grade rejected the claim of Sh. Sant Ram on the grounds that both the applicant as well as the objector were recorded as co-owners in the revenue record and therefore, the entire land was required to be partitioned. Sh. Sant Ram filed an appeal against the decision of the Assistant Collector Second Grade before the Collector Dharmshala, who remanded the matter back to the Assistant Collector First Grade with the finding that a question of tilt was prima facie involved in the matter and hence the same may be decided before proceeding further. The Assistant Collector First Grade heard the matter as a civil court after framing issues on the basis of the claims and counterclaims. After conclusion of the matter, he sent a copy of his order to the Assistant Collector Second Grade to further proceed and decide the application for partition.

a. Write the order sheet of the day of the Assistant Collector Second Grade.

(20 marks)

b. Draft a detailed order of the Assistant Collector Second Grade as Civil Court framing the issues involved and deciding the same of merits.

(40 marks)

2. The Patwari, Patwar Circle Khabal, Tehsil Banjar, District Kullu submitted a report to the Tehsildar Banjar that one Sh. Minu Ram s/o Sh. Rania, R/o village Khabal, had encroached upon Government land comprising Khata/ kahtauni No. 34/108, Khaṣra no. 234/1 measuring 1-8 bigha by planting an apple orchard upon the same. The Tehsildar, exercise of powers of Assistant Collector First Grade under the H.P. Land Revenue Act. 1954, issued a show cause notice to Sh. Minu Ram. Sh. Minu Ram, appeared before the AC 1st Grade on the date fixed for his reply and submitted that the land in dispute was his ancestral land and that the entries of the Revenue Record depicting the Government of H.P. to be the owner in possession of the same were wrong. The Ac 1ST Grade, finding a prima facie question of title in the matter, directed the encroacher to file a regular plaint before him. Sh. Minu Ram produced the Pradhan Gram Panchayat Jabal as his witness who deposed that he had seen the land in dispute in cultivating possession of Sh. Minu Ram and before him in possession of Sh. Rania. On the other hand the patwari concerned appeared as witness for the state and deposed that the land was in the ownership and possession of the State as per Revenue Records which carry a presumption of truth as per law.

Based upon the above facts, write a speaking order as the AC 1st Grade.

( 40 marks)