

H.P Board of Departmental Examination**Departmental Examination for Tehsildars, December 2018.****Paper No.-6****Revenue case****Time Allowed: 3 Hours****M. Marks -100**

Note: 1 Attempt both the questions.

2. Being Revenue case, the marks will only be awarded, if the answer to revenue case is answered in proper format meant for the courts. Answer writing in story form will not be awarded, more marks will only be given if the judgement/ order is based on the relevant provision of Applicable Acts and Rules. Consultation of relevant Acts and Rules is permitted. Candidates are free to answer either in English or Hindi.

Question No.—I Patwari Patwar circle Koon, Tehsil Kandaghat, District Solan, H.P vide his report dated 10-01-2017 reported that the land comprised in khasra No. 798/796/350/1 measuring 3-18 Bighas in khata/khatauni 77/74 has been encroached upon by one Sh. Maan Singh s/o Gorkhia, r/o village Kothi, P.O Dehgi Tehsil Kandaghat by way of cultivating land and sowing the crops on it. He further reported that the encroacher was ejected from the same land by Tehsildar and field kanungo, vide Rojnamacha Rapat No.62 dated 23-10-2016, but he has again encroached upon the said land. The field Kanungo verified the report of Patwari Halqua by way of proper demarcation and forwarded the case to Tehsildar Kandaghat for necessary ejectment u/s 163 of H.P Land Revenue Act, 1954.

On receiving the report of encroachment, Tehsildar Kandaghat issued a show cause notice u/s 163, show causing Maan Singh (encroacher) to vacate the suit land on 25-01-2017. In reply to the show cause notice Maan Singh appeared in person along with counsel to grant him time to file the reply, as question of title is involved in this case. Tehsildar Kandaghat granted a time of one month and case was fixed for the reply of Maan Singh (respondent) on 25-02-2017. Maan Singh (respondent) appeared on 25-02-2017 and filed a detailed reply alleging that the action of state to eject from the suit land is highly illegal, arbitrary and against the basic cannons

of law, as the land in question is in his peaceful possession, since the times of his ancestors and hence the proceedings of encroachment may kindly be dropped and he be discharged from the proceedings under section 163 of H.P Land Revenue Act, 1954.

He further submitted, in his reply that the land in dispute, is Hasab Rasab Jare Khewat and he is Khewatdar of the area and his possession on the land is peaceful to the notice of the State and he be given chance to produce the relevant revenue record and he will produce documents in his favour, which will prove that the land in dispute is in the possession of his ancestors since the year 1915.

The case was fixed for the rejoinder of the State on 28-02-2018. On this date, the respondent was also present along with office Kanungo Ram Parkash, who filed rejoinder on behalf of State controverting all the paras of the reply filed by Maan Singh on 25-02-2017. The office Kanungo on behalf of State prayed for immediate ejectment, otherwise there are chances of law and order problem, as there is frustration in the minds of village co –sharers as the land in question is allot able pool. The Assistant collector 1st Grade fixed the case for the witnesses of Maan Singh and the State on 15-03-2017.

On 15-03-2017, Maan Singh produced one Sh. Raghubir Singh, Lambardar of Mulqua Revenue Estate and State produced the Patwari Halqua, field Kunungo and steno of S.D.M office. On this date, both the parties were cross- examined and revenue papers were exhibited. Case was fixed for the arguments of the parties on 16-04-2017. Arguments of the parties were heard at length by A.C first grade on 16-04-2017. The main argument of the respondent (Maan Singh) was that the land in dispute is Hasab Rasab Khewat, which was wrongly vested in State of Himachal Pradesh, and this remained in his peaceful possession to the notice of State.

Hence his possession is peaceful and matured to be adverse possession, as it is more than 100 years. He also pleaded that his ancestors were paying the rent of land in dispute as per their share in the Hasab Rashab Kehwat.

Maan Singh also raised an issue that suit land was demarcated by the Patwari Halqua, to which he was not competent. On the other hand, the State witnesses pleaded that being Hasab Reshab Kehawat, it is for the use of all village co -sharers and Maan Singh cannot claim its exclusive right and be ejected from the suit land. Maan Singh also produced one document, i.e, the report of Patwari's Rojnamcha

of year 1950 where the village co-sharers had agreed to partition this Hasab Rashab Kehwat.

Based on the above facts of the case:

You as Assistant Collector of first grade of Kandaghat:

If prima facie question of title is involved, convert yourself as Civil Court and pass a Judgement/order u/s 163(3) along with decree, but if you find that mere raising of question of title by Maan Singh does not make it a title;

Then pass an order based on facts and law as Revenue Court. Write the Jimmni orders also (Copy of Jambandis of the case attached). But in both the cases, where you find yourself legally fit, proper issues be framed.

-----50 Marks.

Question No.II Gulzari Lal s/o Puran Chand R/o Surajpur Tehsil Pounta Sahib, District Sirmour, H.P filed an application u/s 123 of H.P Land Revenue Act, 1954 before the Assistant Collector of Ist Grade, Pounta Sahib on 10-012015. Briefly praying that the land comprised in Khata/Khatauni No.60/73-74, Kitas -2, total measuring 30-07 Bigha Biswas is in joint holding as per Record of Rights, the copy of Jamabandi for the year 2015-2016. The applicant/petitioner is not getting the benefits of above land, hence the land in question be partitioned, as his prayer to other co-sharers, to partition land privately is of no avail, and some of the co-sharers who have little interest, are either staying away from the revenue estate or selling their land to the strangers. Finally, applicant/petitioner prayed that the land be partitioned as per share of the co – sharers and respect be given to the nature of land while effecting partition on spot.

This application of Gulzari Lal was resented / objected by one co-sharer, Shri Batna Ram, vide his reply dated 15-062015 to the application of Gulzari Lal on the plea of question of title, as the major chunk of land is in his possession for the last 42 years and he has spent huge amount on the improvement of this land by way of major improvements and spending huge amount making it more fertile than it was 42 years back. He further submitted in his reply that the present land was waste land and he has spent large sum and made the land more fertile by way of irrigation

facilities, as is clear from the spot position and nature of land in the Jamabandi. Batna Ram, the respondent also submitted that majority of recorded co-sharers are absentee land lords and they want to partition the land on the mere entry in record of rights. Batna Ram also pointed of private partition in the past, but without any evidence in this behalf.

The other co-sharers in joint reply/statements dated 20-11-2015, consented to the application for partition filed by Gulzari Lal and prayed for equitable partition as per their share and respect to nature of land on spot. A.C Ist Grade fixed the day to day proceedings in this case and decided to proceed for framing mode of partition.

You as Assistant Collector of First grade, Pounta sahib, after following proper procedure of partition proceedings, after giving equal opportunity of being heard to all parties decided mode of partition on 11-01-2016 and instrument of partition on 27-12-2017, after the receipt of file from field Kanungo, Pounta Sahib.

(a) Write an order of mode of partition dated 11-01-2016 in proper format.

-----15 Marks.

(b) Write an order of instrument of partition dated 27-12-2017 in proper format, dividing khata in to eight khatas as per mode of partition. The applicant must be asked to submit stamp papers of certain value as per provision of the Indian Stamp Act 1899, to write instrument of partition.

-----35 Marks.

(c) Please decide the case as per Jamabandi attached with the case.

Document for Question No -1

नकल जमाबन्दी

जिला 10 सोलन

तहसील 06

कण्डाघाट

कानूनगो वृत्त

कण्डाघाट

पटवार वृत्त कूना

रकबा इकाई

बिघा-विस्वा

महल 012501

कोठी

हदवस्त नं०

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साल

2011-2012

तहसील व

जिला शिमला

हि० प्र०

न० खाता या जमाबन्दी	न० खतौनी	नाम पति या तरफ नम्बरदार व जमा	नाम मालिक व एहवाल	नाम काश्तकार व एहवाल	नाम दाह व दीगर वसायल आवापाशी	नम्बर खसरा		रकबा हर खेत व मीजान खाता मय किस्म अराजी मीट्रिक ईकाईयों में	लागन जो मुजारा अना करता है व तफसी ता शरह तादाद	हिस्सा या पैमाना हकीयत व तरीका वाछ	मुतालवा व शरह मुआमला व हबूब	कैफियत
1	2	3	4	5	6	7	8	9	10	11	12	13
60 भिन 55.57 म.	77 74	राम रतन पुत्र राम सरन व हेमराम सरवराह नम्बरदार 197.00 माल	प्रदेश सरकार	मकबूजा बशिन्दगान देह तहत कोमन पूल			798 / 796 / 350	24-09 01-08 बंजर कदीम 23-01 बंजर कदीम चरागाह		कब्जा व पड़ता बशरह खेवट न० (1)	0.38 माल 0.23 रवाई 0.15	न० ई० कि० ई० 5222 दलुस्ती ततीमाजात नोट: खाता हजा के न. ख. 800 / 794 / 229भिन को बटा न. कम्यूटर की सुविधा के लिए दर्ज किए गए है। नोट: वरुण स्पट न. 62 दिनांक 23-10-2016 से कासर मानसिह मौजा कोठी का खसरा न. 798 / 796 / 350 / 1 रकबा तादादी 3-18 बिघा से बदखल किया गया।

Document for Question No - 1

मिसल हकीयत बन्दोवस्त द्वितीय संशोधित बन्दोवस्त सन् 1915 मुहाल कोठी हद्वस्त न० तहसील ब जिला शिमला हि० प्र०

न० खाता या जमाबन्दी	न० खतौनी	नाम पति या तरफ नम्बरदार व जमा	नाम मालिक एहवाल सहित	नाम काश्तकार एहवाल सहित	इस्रायल आदवाशी	नम्बर खसरा		रकब विज्ञान मय किस्म	लगान तफसील सरह व तादाद	हिस्सा या पैमाना हकीयत और तरीका वाछ	मुतालावा व तशरीह मामला स्वाई	विवरण
						साबिक	बन्दोवस्त हाल					
1	2	3	4	5	6	7	8	9	10	11	12	13
56	77	देवीराम वगैरा नम्बरदारान	शामलात देह हस्व रसद अराजी खेवट	मकवुजा गालकान		835/67, 97, 100, 102	62	3-4 नाली गैर मुमकिन			खाज अज वाछ	न० ई० किस्म ई० 1718 सेहत इन्द्राज 1741 सेहत इन्द्राज 1743 वै 1744 सेहत नम्बर खसरा 1745 सेहत इन्द्राज
						835/143, 157	126	4-15				
						144	127	21-13 वंजर कदीम चरांद				
						247	217	5-12 नाली गैर मुमकिन				
						601/1, 877/257, 306	229	278-11 वंजर कदीम चरांद				
						303	272	0-4 वंजर कदीम चरांद				
						313	279	4-9 गैर मुमकिन अवादी				
						380	341	1-8 गैर मुमकिन अवादी				
						903/389, 391, 393	350	26-1 वंजर कदीम चरांद				
						390	351	0-5 गैर मुमकिन अवादी				
						392	352	0-4 गैर मुमकिन अवादी				
						1042/906 / 403	358	0-14 वंजर कदीम चरांद				
						909/412, 443	367	3-1 वंजर कदीम चरांद				

						913 / 422	378	1-3 नाली गैर मुमकिन				
						113 / 422, 442,444, 557, 544	379	8-1 नाली गैर मुमकिन				
						913 / 467, 462	415	3-6 नाली गैर मुमकिन				
						543 / 600, 605	541	7-19 नाली गैर मुमकिन				
						675	626	4-4 अवादी गैर मुमकिन				
						686	438	279-15 चरांद वंजर कदीम				
						722	665	1-9 चरांद वंजर कदीम				
						913 / 723 मिन	666	5-15 नाली गैर मुमकिन				
						913 / 729	721	8-10 गैर मुमकिन नाली				
						1048 / 803	744	2-19 वंजर कदीम चरांद				
						किते 23		673-9 वंजर कदीम चरांद 614-7 गैर मुमकिन 59-2				

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भगवान् विद्, जागीन्द्रादहं, अमिनि

क्षेत्र पुत्र न क्षामत स्वर्गता, ज्ञानाग

पवित्रा पुत्रिया व त्रिभात भागभा

विष्णो हरेनाम । स्मृते पुनः शास्त्रेषु च ।
उक्तं भक्ति

भाज वरावर (०३ भाग भागा राम, बिहक)

८१॥ ल० गुरुदास राम, चक्रवर्ती, जागीर

॥ सिंह, जे साखी राज पुजव श्रमात

इसीना उपेक्षाला पुगीरि मि चंदर

पुनः पाले आग वरावर (५) भाग

वित्त-राशि, कर्जादा, गुलजारी ला

गीताराम जयसिंह मानसिंह पूग

(a) $\frac{2012}{1512} = \frac{2012}{1512} = 1.33$

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ॐ नमो भगवते वासुदेवाय ॥

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(8) भाग सभरण सिंह जीवन

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