

**H.P Board of Departmental Examination**  
**Departmental Examination for Tehsildars and Naib-**  
**Tehsildars**

Sept/ 2020

**Paper 6- Revenue Case**

**Time Allowed : 3 hrs.**

**Maximum Marks : 100**

**Note: 1: Attempt all questions. Respective marks allocated to each question are shown with each question.**

- 2. Relevant provisions of the Acts, rules and manuals be quoted**
- 3. Bare Acts, Rules and Manuals are allowed to be consulted.**

**Question No. 1:**

**35 marks**

One Sh Amarnath filed a suit for declaration and injunction on the ground that he was inducted as a tenant by one Sh Padam Singh, the original owner of the land, through the then Tehsildar Kasumpti over the land comprised in Khasra number 363 measuring 7 bighas and khasra no 548 measuring 5 biswas in mauja Sanjauli on annual rent of Rs 40 in 1967 and had been in possession of the suit land since then. According to him he had planted fruit trees over a major part of the suit land and in four biswa area on Khasra no 548, he had constructed a house . He claimed that he had become owner of the land under reference through the operation of section 104 of the HP Tenancy and land Reforms Act.

It is also apparent from the record given by the parties that the entry regarding the conferment of proprietary rights, as required under Rule 24 of the HP tenancy and land reforms Rules 1975 had not been made in the revenue record and the petitioner had still been recorded only as non-occupancy tenant. The petitioner contended that he had requested the settlement authorities to record his name in the revenue record as owner but the same was rejected by the AC 2nd Grade Settlement Circle Kasumpti.

From a perusal of the Misal-haquiyat it is clear that the petitioner was recorded as non-occupancy tenant in the jamabandi prepared in 1973-74 and thereafter this entry has been shown to have continued in the Jamabandis prepared during the Daur-paanch sala in 1983, in 1991, in 1998 and in 2004 also. He also adduced copies of the chakota paid by him in relation to the land under reference. On being asked how the petitioner ( who is now being represented by his legal heirs) came into tenancy he did not adduce any evidence of an agreement between him and the landowner and kept saying that he entered as tenant through the Tehsildar Kasumpti. He also raised the alternative plea that he had been in possession of the suit land for the last more than 40 years and his possession and enjoyment of the land has been peaceful, without any interruption and open and accordingly otherwise also he has acquired ownership rights over the suit land. Assuming that you are the Assistant collector Its grade of Shimla (Urban) tehsil, decide the claim for ownership rights by the petitioner/ applicant on the basis of above material on record while specifically quoting the relevant provisions of HP Tenancy and Land Reforms Act 1974 and citing the case laws.

**Question No 2:**

**30 marks**

The petitioner Ramsingh claims that the Suit property was owned and possessed by the great grand father of the parties. However, on this property allegedly, one Hoshiara was inducted as occupancy tenant on 24.2 bighas of land ( jamabandi for the year 1961-62 enclosed). Besides, Hoshiara also inherited some property from the grandfather of the petitioner being class 2 legal heir. Later Hoshiara's property after his death was transferred in favour of the respondents Ratanu who was stated to be the adopted son of late Hoshiara on the basis of the will allegedly executed by Hoshiara ( registered and duly exhibited) while he was living. Ramditta the other only legal heir of Hoshiara also contested the will on the ground that the same had been obtained by the aforesaid Ratanu fraudulently. He also contested the claim of Ratanu, the respondent no 1, that he was the adopted son of late Hoshiara on the ground that never any adoption deed was executed. The petitioners also claimed that the property in question was Hindu ancestral property and their being a Hindu Joint family,

Hoshiara could not have executed this will . On the other hand Hoshiara's heirs ( respondents) stated that the property under reference had vested in Hoshiara after he paid the compensation to the Landlord as admissible under the HP Tenancy and Land Reforms Act, 1974 accordingly they claimed it to be self acquired property of Hoshiara and thus the later had the absolute right to dispose it of in a way he liked.

Supposing you are working as AC Ist grade and the mutation with respect to the above matter comes before you:

- (i) Decide giving reasons whether any question of title is involved and, if yes, pass a detailed order in relation to the same
- (ii) frame issues and decide the matter based on whatever material is available on record.

**Question No. 3:**

**35 marks**

The petitioner filed an appeal against the decision of Assistant Collector, 1st Grade, Paonta Sahib, before the Collector/D.R.O. Nahan. His main pleas are:

1. One sh Umed Singh and others, filed an application for partition of land bearing Khewat Nos. 715/645 and 716/646, measuring 103 bighas and 11 biswas , situated in village Bahu Akbarpur, Tehsil Paonta sahib. Respondent Deepram, Ramsaran along with three others, filed a reply, accepting the mode of partition but pleaded that possession be disturbed only where necessary. The Assistant Collector, 1st Grade, after a spot inspection, and a consideration of the objections, framed the mode of partition and finally a Sanad Taqseem based on this.
2. No appeal was preferred against the mode of partition by any of the parties, though they claimed to have filed objections to the spot inspection, which, as per the averments in the present appeal were rejected, while sanctioning the mode of partition. When the field staff was preparing the Sanad Taqseem, the petitioner preferred objections, based on which, the Assistant Collector 1st Grade, Paonta, while amending the Sanad-taqseem, provided a water course and a passage to each block vide order dated 18.10.2002.
  - (i) Against this order, an appeal was filed by the other party which included Deepram, Ramsaran etc, who while filing the appeal,

contended that the mode of partition and the sanad-taqseem based on the same is illegal and void, as no spot inspection was carried out by either officer. In support thereof, the respondent has placed on record an affidavit of one Mahabir son of Ruldu Ram, the alleged independent witness to the spot inspection, who has deposed that no spot inspection was carried out in his presence and his signatures were obtained, in support of the spot inspection, by one Samera son of Deepu (one of the defendants) by deception.

(ii) Counsel for Umed Singh etc contends that as the Sanad Takseem had attained finality, therefore, Collector should decline to interfere in the matter.

(iii) It is further alleged on behalf of appellants that pursuant to the partition proceedings, the possessions have not been exchanged and in support thereof affidavits of Raghbir Lambardar, Prem Singh and Ved Parkash, who are the alleged independent witnesses, and the affidavits of Silak, Singh and the petitioner have been annexed with the present petition.

(iv) The appellants have also taken the plea that the quality of land being dissimilar, partition should have been effected, on the basis of the quality of land. No passage has been provided to the appellants in Khasra No. 148/1, and possessions have been directed to be exchanged in violation of the mode of partition.

(v) It is further alleged that the spot inspections were carried out by the Assistant Collector, 1st Grade and the Collector without service of notice on any of the parties.

Supposing that you are acting as Collector Sirmaur, decide the appeal filed by the petitioners.

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