

HP BOARD OF DEPARTMENTAL EXAMINATION
DEPARTMENTAL EXAMINATION FOR IAS/HAS OFFICERS

May 1 2021

PAPER 5: REVENUE CASE
TIME ALLOWED 3 HOURS MAXIMUM MARKS 100

NOTE 1. ATTEMPT ALL QUESTIONS.

2. BARE REVENUE ACTS/RULES/MANUALS CAN BE CONSULTED. ANSWERS SHOULD BE SUPPORTED WITH RELEVANT PROVISIONS OF ACT & RULES.

Question No.1.

A District Co-Operative Bank of Kangra District in Himachal Pradesh (herein after referred to as Bank), leased its accommodation to HP State Civil Supplies Corporation (herein after referred to as Corporation), on the request of the Corporation; on a fixed leased amount of Rs.1 per year; for a period of 3 years for opening a fair price shop in the wider public interest. Before the expiry of lease period of 3 years the Bank requested Corporation to vacate the leased premises as the Bank required accommodation for its own use. The authorities of State Civil Supplies did not respond to the request of the Bank and even after a period of 3 years did not vacate the premises and continued to occupy the same with the reply that they are searching some suitable private accommodation in Dharamshala but unable to find. Till such time they did not find suitable accommodation, they will not be in a position to vacate the accommodation of the Bank. The Bank repeatedly requested Corporation to vacate the premises but without any result. Ultimately the Bank decided to proceed legally against the Corporation.

Suppose you are posted as Collector of Sub-Division Dharamshala and Bank made a request to you to get their premises vacated from the Corporation. In these circumstances; elaborate: under which provisions of law you will proceed. What are the various stages of the case? What issues will be framed? Write the order sheet in brief and detailed final order disposing of the case.

25 marks.

Question No.2

Yogesh, Jitender, Rajiv and Dev Raj are four brothers and they are recorded in possession of their joint ancestral property measuring about 50 Bighas in village Paras Tehsil Sarkaghat District Mandi HP. About 10 Bighas of this land in Khasra No.501 is irrigated and 30 Bighas of land in Khasra No.502 is cultivable without any irrigation facility and rest 10 Bighas of land in Khasra No.503 is barren but can be exploited for extraction of stones and sand. Two of the brothers namely Rajiv & Dev

Raj are Govt employees and visit their ancestral property off and on. Other 2 brothers namely Yogesh & Jitender actually cultivate the land and also extract sand and stone from the barren land and sell it in the local area. A portion of 30 Bighas of cultivable land is touching State High Way passing through the village and on this portion of land Yogesh and Jitender has constructed Commercial Complex leaving only a footpath to approach the rest of the portion of the land. Both Rajiv & Dev Raj are near to their superannuation and they want to settle on their ancestral property. You are posted as Assistant Collector First Grade, they moved an application for partition of the entire land. The application was contested by other 2 brothers namely Yogesh & Jitender on the grounds that they have invested huge amount in the development of the land and constructed Tube Well for irrigation for which their brothers Rajiv & Dev Raj has not contributed any amount and therefore they are not entitled to move application for partition. This assertion was contested by Rajiv & Dev Raj and they submitted that they were regularly sending money to Yogesh & Jitender. Moreover Yogesh & Jitender were earning from the produce of land and by selling sand and stone being extracted from joint property.

Under these fact and circumstances explain how will you proceed by quoting relevant provisions of law. What are the issues involved. How will you deal with the Tube-Well and the constructed portion which is apparently more valuable touching State High Way and not much vacant land is left touching the road? Write a speaking order finally dispossessing the application.

50 Marks

Question No.3

Suppose you are posted as Sub Divisional Collector Hamirpur. The Govt. of India issued a Notification indicating its intention for widening of National High Way passing through different villages and its intention to acquire different Khasra Nos. of land falling in your jurisdiction. Some of the Khasra Nos, have dwelling houses and standing trees. You are designated as Land Acquisition Officer/Collector for completing the acquisition proceeding. Write order sheet indicating various stages in completion of the acquisition process and the final order leading to the passing of acquisition award.

25 Marks.