

DEPARTMENTAL EXAMINATION OF TEHSILDARS/ NAIB-TEHSILDARS
AUGUST , 2005

PAPER-6

REVENUE CASE

TIME ALLOWED-3 HRS.

Max.Marks-100

NOTES:

- (1) Attempt all questions. Answer may be written either in English or in Hindi;
- (2) Only bare Acts can be consulted;
- (3) Credit will be given quoting relevant provisions of law.

Q.No.1) Bhagat Ram S/O Laboo files an application for partition of land before AC Ist Grade, Kangra for separating his 1/3 rd share of joint holding recorded as such Alongwith his two brothers Jagat Ram and Kirpa Ram holding 1/3 rd share Each. All the three brothers are recorded as owners- in- possession of the land Jointly. Jagat Ram is serving in the Army for the last 15 years and it is Established that he comes to the village once in a year and is therefore not Cultivating the land permanently. His share of land is also being cultivated and Used by Kirpa Ram who objects to the partition being made in equal shares as Jagat Ram is not in possession of land. However, Kirpa Ram does not pay Anything to Jagat Ram for enjoying the fruits of latter's share of land.

How as an AC Ist Grade would you decide this case when Kirpa Ram has Successfully led the evidence to prove that Jagat Ram has never been in Possession of any part of the joint holding and has never worked on land. Jagat Ram has argued before you that he had this understanding with his Brothers that till his return home from the Army they may utilize this land so That the cultivable land remains in good state and the " Kharaitar" provides Fodder to their cattle. Bhagat Ram has no objection in giving the share of Jagat Ram.

Write a reasoned order citing appropriate law.

(25 Marks)

Q.No.2) Ram Saran bequeathed his entire property through a "Will" in a favour of Krishan Gopal, his nephew, in the presence of Hari and Prakash. The "Will" Typed out by Kangroo Ram a document writer who also signed it before it was Read and signed by the testator and the above witnesses and it was given to Krishan Gopal. After about 2 years Ram Saran executed another "Will" in Favour of his other nephew Mohan which also had two independent witness And a signatory to this "Will" . Six months later after this Ram Saran died. Both Krishan Gopal and Mohan laid their claim to the deceased' s property Beore you as an AC II nd Grade. How and in whose favour would you decide The matter? Your decision should be based on law and logic.

(25 marks)

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-) Dholu and Bholu land owners applied to A.C. II nd Grade Theog for Rectification of Khasra girdwari entries in respect of kh.No 335 situated in Village Dharampur from Rabi 1972 onward. This application was made on 23.06.1975. For reasons unknown, This application remained pending for more than 7 years and was eventually dismissed by the Assistant Collector on the ground that impugned entries in Khasra girdawari had already been incorporated in the jamabandi and entries could not be altered. Ist the order of A.C.II Grade valid? Write an order quoting pertinent law.

(25 Marks)

- Q.No.4) In this Patwar Circle the Patwari during his routine visit notices a pucca house Standing on Govt. land measuring about 0-3 Biswas. After verifying the Position he draw a 'Tatima' makes out a report of unauthorized occupation of Govt. land by way of encroachment and sends it to his Field Kanungo who Further sends it to the Tehsildar. During the course of inquiry by the Tehsildar The alleged encroacher proves it through oral evidence that this house was built His late father about 18 years ago when he (alleged encroacher) was of about 15 years of age and since then he and his family has been living peacefully in it and also cultivating their adjoining land. He claims the allegedly encroached land as his own

(25 Marks)
