

**H.P.BOARD OF DEPARTMENTAL EXAMINATION  
DEPARTMENTAL EXAMINATION OF TEHSILDARS/ NAIB- TEHSILDARS  
OF HIMACHAL PRADESH SESSION NOVEMBER, 2009**

**PAPEER-6**

**(REVENUE CASE)**

**Time Allowed: 3 Hours.**

**Maximum Marks: 100**

**Note:- 1. Answers may be written either in Hindi or English.**

**2. Credits will be given for citing updated relevant provisions of the Law/  
Rules.**

**3. Only Bare Acts/ Rules are allowed to be consulted.**

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Q.No.1 One Shri Ram Lal S/o Sh. Sohan Lal r/o Village Neen Tehsil Suni District Shimla has filed the application for partition of land comprised in Khewat/ Khatauni No.- 37/ 63-67 kita 47 measuring 64 bighas situated in Mauza Pateyog, Before AC Ist grade, Suni. Out of 13 co- sharers, the nephews of the applicant Sh.Rajender and Sh.Dinesh objected the partition on the grounds that the land has Already been privately partitioned 20 years ago.Three other co- sharers sated Before the AC I st Grade Suni that their khatass are also to be separated. Shri Keshav Ram, A Gair Mourusi tenant on the land measuring 1-2 bigha objected The application on ground tht proprietary rights may first be conferred on him And his khata may also be created separately.

The applicant, in his rejoinder has vehemently denied the pleas of the Contesting respondings by stating tht the private partition has never been affected In the revenue record and the private partition, as alleged, has never taken place. On the plea of tenant the owner of tenant the applicant stated that he has no Objection to his plea as he has already become the owner of tenancy of land by Operation of law. On the basis of aforesaid pleading answer the following:-

(i) What issues would you frame to dispose of the preliminary objections in the partition proceedings? **(10 Marks)**

(ii) In view of the relevant provisions of law, which may be dicussed at Appropriate places, write an order disposing of the issue so raised. **(40 Marks)**

Q.No.2 On receiving the report from Revenue field agency, the Assistant Collector I st Grade Knadaghat has issued a notice u/s 163 against Sh. Suresh Kumar Resident of Kandaghat Bazar Tehsil kandaghat District Solan for Encroaching upon Govt. land comprised in Kh.No. 131/1 measuring 2-00 Bigha in Mauza Dhochi Tehsil kandaghat, District Solan by planting fruit trees. The respondent resisted the proceedings by saying that the land has been Coming in the possession since his fore fathers on which they used to cut grass And had kept it fenced. On the basis of the proceedings answer the following:-

(i) What is the procedure to be followed such proceedings? **(20 Marks)**

(ii) Write a detailed order, by taking into consideration the evidences likely to be put forth by both the parties. **(30 Marks)**

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