

Government of Himachal Pradesh
Department of Revenue

No.Rev.B.A.(3)-3/2012. Dated:Shimla-2, 16th July, 2012.

NOTIFICATION

The Governor, Himachal Pradesh is pleased to substitute Chapter 10 of the Himachal Pradesh Land Records Manual, 1992 notified vide notification No.Rev. (LR) A (58)/89 dated 3rd December, 1992, as follows:-

**“CHAPTER 10
DEMRCATION OF BOUNDARIES**

10.1. Application for demarcation.- Any co-sharer or a person having a legally established title of ownership or possession in a land may submit an application for demarcation to Assistant Collector of either grade with the court fee prescribed in the H.P. Court Fee Act, 1968 (as amended from time to time). The following documents shall be filed with the application:-

1. A copy of latest Jamabandi.
2. A copy of mutation sheet relating to which the application for demarcation has been filed if Khasra number has been subdivided.
3. Current settlement map (Musavi) of the land also showing adjoining khasra numbers or sub-divided khasra number, if any.
4. Process fee as prescribed under the rules.

The Revenue Officer before whom an application for demarcation is preferred will, after registering the application in the proper register, cause a note of the pending application be entered in remarks column of the jamabandi. On conclusion of the demarcation proceedings, a note to this effect will be recorded against the Khasra No./land which has been demarcated alongwith name of the applicant.

10.2. Impleading of parties.- The applicant shall implead all persons who are co-sharers with him in the land of which demarcation is being sought. Besides, owners of land persons who are in possession of the adjoining plots of land will be impleaded as necessary parties to the demarcation.

10.3. Authority competent to demarcate land.- As per section 107 of the H.P. Land Revenue Act, 1954 demarcation is a quasi-judicial process and any Revenue Officer is competent to adjudicate and decide an application for demarcation. The demarcation may be carried out by the Revenue Officer himself or he may depute a Field Kanungo or a serving or retired person as a consultant or a local commissioner appointed by a civil court may carry out the demarcation.

The Revenue Officer will consider the report and objections of any of the parties thereupon and pass the final order on the application.

14.4. Procedure for demarcation.- The demarcation will be carried out as per procedure given below:-

i). If a boundary is in dispute, the person carrying out the demarcation should measure it from the Village map (musavi) prepared during the last settlement or revision as the case may be. The map so prepared shall include maps prepared by electronic methods e.g. GPS, ETS etc.

In case of a map prepared on triangulation system of measurement following the conventional method of survey, he should demarcate the land in dispute with reference to three fixed points. Such fixed points will be the reference points (chandas) which were the basis of measurement of the land during the previous settlement and will therefore be depicted on the musavi. These points should be such that have remained undisturbed since the last settlement. Statements of parties accepting such points as basis for the demarcation should be recorded before starting measurement work.

ii) If the parties cannot agree on any such fixed recognizable points, then the person demarcating the land will find such points on his own with the help of the map (musavi).

iii) Thereafter, the person demarcating the land will measure these points and compare the result with the distance given on the map. If the distances when thus compared are agreed in all cases, he can then proceed to demarcate the land with reference to these points.

iv) If there is only a small dispute as to the boundary between two fields, the greater part of which is undisturbed, then such perpendiculars as may be required to points on the boundaries of these fields as shown in the field map can be set out from their diagonals, as in the field book and in the map, and curves made as shown in the map.

iv) (a) If three fixed points are not available and only two fixed recognizable points are available, a third point may be found with the help of these two points so as to form a triangle. It should be seen that the sides of such a triangle when checked on the spot tally with the distances given between these points in the map.

iv) (b) the two adjoining fields may have a common inter locking boundary line. If other dimensions (Karu Kan/meter kan) of these fields tally on measurement the two points of this line can be treated as two points referred to in instruction iv) above.

v) There can arise cases where even two fixed recognizable points are not available and only one fixed point is found. Such points are generally the ones where corners of two or more fields meet. The reliability of such a point can be tested by measuring all sides (Chomindas) of the fields adjoining or surrounding the point. If the measurements of such fields tally with the map then the accuracy of such a point itself gets established. Such a point may be fixed as a starting point for demarcation of land.

Demarcation may be carried out through conventional tapes measures or with the aid of electronic survey equipments.

10.5. Demarcation Report and fixing of boundaries on spot.- After demarcation, a statement of the parties present will be recorded and placed on the file alongwith a detailed demarcation report.

The report will clearly mention all those present/absent from among impleaded parties.

The demarcation report must explain in detail how the measurement was done. There should also be a mention as to what method was adopted and the manner in which the starting

points and the fields were measured. All the fields and points measured should be shown in the site plans, within the frame of copy of the field map.

The areas of the fields abutting on the boundary in dispute as recorded at the time of last settlement and those arrived at as a result of the measurement on the spot should be mentioned with an explanation of the cause of increase or decrease if any discovered.

The statements of interested parties shall be recorded and their objections regarding demarcation shall also be noted. A tatima of the land or part thereof found under dispute during demarcation shall be prepared with a mention of the existing possession.

10.6. Demarcation by local commissioners:- These instructions will also be followed by the Revenue Officers and Kanungos whenever they are appointed as Commissioners by a Civil Court in suits involving disputed boundaries.

10.7. Acceptance of demarcation:- On receipt of the report, the Revenue Officer shall summon all the interested parties and record their statements. In case one of the parties objects to the demarcation report and he finds the objections to be sustainable, the Revenue Officer shall get the land re-demarcated and thereafter decide the objections by a reasoned order.

In case the parties have no objection regarding the demarcation given, he will pass orders accordingly accepting the report of demarcation as correct with reference to the boundaries for which the demarcation was sought.

10.8. No fresh demarcation of land once demarcated and accepted by a Revenue Officer is to be given unless the order of acceptance of demarcation by a Revenue Officer is set aside in appeal/revision:-

It must be kept in mind that demarcation proceedings being quasi judicial in nature, unless an order accepting a report of demarcation passed by a Revenue Officer is set aside in appeal or revision by an authority of higher competent jurisdiction, a fresh demarcation of the boundaries of land demarcated shall not be given. Hence, whenever an application for demarcation is received, a Revenue Officer must ensure that all adjoining landowners are impleaded as parties and the applicant is made to fence his boundary at the time of demarcation in the presence of the adjoining land owners so that the demarcation involves all the necessary parties to avoid further applications for demarcation of the same boundary.

Provided that a person, who has acquired such land by way of sale, gift, will, lease, decree of civil court, mortgage with possession, creation of tenancy or otherwise, after the demarcation which has already taken place, may apply for fresh demarcation.”

By Order

Additional Chief Secretary (Revenue),
Government of Himachal Pradesh.