

The Bhopal Sugar Industries Ltd

Vs

The State of Madhya Pradesh and Others

Civil Appeal No. 2288(N) of 1968

(V.R. Krishna Iyer, Syed M. Fazal Ali JJ)

25.01.1977

JUDGMENT

KRISHNA IYER, J. –

1. The appellant who has come up by certificate has urged a point which we do not think has any merit.
2. The short question that arises under the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 (Act No. 20 of 1960) - (for short, the Act) is whether the appellant, a company owning sugarcane factory, was bound to make a return in terms of Section 9 of the Act. Although the definition contained in Section 2(d) of 'ceiling area' refers to Section 7 and that Section states that a person is entitled to hold land up to twenty five standard acres, other than exempted land, although the provisions in Section 3 regarding exempted lands start with the preliminary statement that the lands mentioned therein "shall be exempted from the provisions of this Act", we are inclined to the view that Section 9 must be interpreted in the setting and context thereof and having due regard to the purpose of the provision.
3. The statutory objective was to have before the State Government or the appointed officers enforcing land reforming laws all the lands held by various persons in the State exempted or not from the operation thereof on account of specific provisions in the Act. That is why Section 9 is widely worded and expressly includes the exempted lands for the purpose of return. In this view of the matter there is no need to interfere with the construction adopted by the High Court and we affirm the interpretation of the Section accepted by the High Court.
4. It is true that in the present case on the construction we have now adopted there has been a contravention of the provisions of Section 10 which may or may not invite the penalty under Section 10(2) of the Act. We are unable to see that any serious penalty is prescribed under Section 10(2) and therefore the punitive consequence may not weigh with the authority in making much of the omission to file the return in the time although we would certainly emphasize the great importance in the enforcement of the land reform laws that returns must be filed by all persons who are bound to file such returns otherwise the enforcement of the Act may be defeated. Therefore, we direct the appellant to file the returns contemplated by Section 9 within two weeks from today. We, however, make it clear that the returns must be of all the lands held by the appellant as on the date on which he should have filed the returns if Section 9 had applied to him. Shri S. T. Desai appearing for the appellant assures that his client will comply with this direction. If he does, this order will be taken into consideration by the officers concerned in not initiating any action for failure to comply with the obligation to furnish the returns in time. The appeal is dismissed with costs.

</html