

Deva

Vs

Collector of District Jind and Others

Civil Appeal No. 4025 of 1987

(Ranganath Misra, M. M. Dutt JJ)

14.12.1987

ORDER

1. Special leave granted.

2. The only question which has been raised in this appeal is as to the quantum of penalty. Penalty is impossible under Section 7(2) of the Punjab Village Common Land (Regulation) Act, 1961 for unauthorised occupation. The Gram Panchayat had claimed a sum of Rs. 3500 per year as rent of the encroached land. The Collector imposed a penalty of Rs. 1500 per hectare per year. On that basis the quantum of penalty would work out at Rs. 9700 per year. It is true that the rate of penalty adopted by the Collector is within the permissible limit under the Act yet, in the facts of the case and in the absence of any material as to what was the nature of the use of land, there was perhaps no justification to impose such a heavy penalty. In the facts and circumstances of the case, we think penalty at the minimum rate of Rs. 600 per hectare would meet the requirements of law and be just. There is no dispute that such penalty was impossible from June 1, 1980 till eviction. We accordingly allow the appeal and direct that the quantum of penalty should be computed on the basis of Rs. 600 per hectare from June 1980 till eviction. A notice may be issued after computation is made to the appellant and in the event of failure to pay the same within such time as the authority provides, it may be collected in accordance with law. No costs.

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