
(1981) 08 P&H CK 0026
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ No. 1994 of 1970

Sardul Singh

APPELLANT

Vs

State of Punjab and another

RESPONDENT

Date of Decision : 04-08-1981

Acts Referred:

Citation : (1981) ILR (P&H) 487 : (1981) PLJ 400 : (1986) RRR 434

Hon'ble Judges : S.P.Goyal, J

Advocate : Mr. Harinder Singh, Advocate., Advocates for appearing Parties

Judgement

S.P. Goyal, J.

1. Sunder Singh, father of the petitioner, was Lambardar in village Cheecha, Tehsil Tarn Taran, District Amritsar. He collected land revenue for the crops Kharif 1954 to Rabi 1957 but did not deposit the amount in the treasury. Consequently, amount of Rs. 4,840/ was found due against him and the Collector initiated proceedings to realise it as arrears of land revenue. As Sunder Singh died meanwhile, the petitioner filed this petition under Article 226 of the Constitution of India, to challenge the legality of the said proceedings. The main ground urged in the petition was that as a Lambardar was not covered by the definition of `defaulter" as given in section 3(8) of the Punjab Land Revenue Act, no proceeding under the Act for realisation of the amount of land revenue collected by a Lambardar could be instituted against him. However, after the filing of the petition the definition of `defaulter" was amended by Amending Act No. 4 of 1974 and the following words were added :

"a village officer, who collects land revenue or any other sum recoverable

as land revenue and does not pay the same to the State Government in accordance with the rules framed under the Act."

In view of the amendment, the learned counsel concedes that the State has the jurisdiction to realise the amount in dispute as arrears of land revenue and the

amendment, being of a procedural nature, would be effective on the pending cases as well.

2. This petition, therefore, must fail and is hereby dismissed. No order as to costs.