

(3) (a) If the person fails to inform the *Tahsildar* and the Collector, as aforesaid, within the period specified in sub-section (2) or on verification it is found from the information given by him in the prescribed form that, the use of land is in contravention of any of the conditions specified in sub-section (1), he shall be liable to either of, or to both, the following penalties, namely :—

(i) to pay in addition to the non-agricultural assessment which may be leviable by or under the provisions of the Code, such penalty not exceeding rupees ten thousand ; as the Collector may, subject to the rules, if any, made by the State Government in this behalf direct :

Provided that, the penalty so levied shall not be less than twenty times the non-agricultural assessment of such land irrespective whether it does or does not exceed rupees ten thousand ;

(ii) to restore the land to its original use.

(b) Where there has been a contravention of any of the conditions specified in sub-section (1), such person shall, on being called upon by the Collector, by notice in writing, be required to do anything to stop such contravention as directed by such notice and within such period as specified in such notice ; and such notice may also require such person to remove any structure, to fill up any excavation or to take such other steps as may be required in order that the land may be used for its original purpose or that the conditions may be satisfied within the period specified in the notice.

(4) (a) If any person fails to comply with the directions or to take steps required to be taken within the period specified in the notice, as aforesaid, the Collector may also impose on such person a further penalty not exceeding five thousand rupees for such contravention, and a daily penalty not exceeding one hundred rupees for each day during which the contravention continues.

(b) It shall be lawful for the Collector himself to take or cause to be taken such steps as may be necessary ; and any cost incurred in so doing shall be recoverable from such person as if it were an arrear of land revenue.

(5) As soon as an intimation of use of land for *bona fide* industrial use ¹[or special township project, as the case may be,] is received under sub-section (2) and on verification it is found that the holder of the land fulfils all the conditions specified in sub-section (1), a *sanad* shall be granted to the holder thereof in the prescribed form.

Where there is any clerical or arithmetical error in the *sanad* arising from any accidental slip or omission, it shall be lawful for the Collector either of his own motion or on the application of a person affected by the error to direct at any time the correction of any such error.

²[*Explanation-I*.—For the purposes of this section “ *bona fide* industrial use ” means the activity of manufacture, preservation or processing of goods, or any handicraft, or industrial business or enterprise, carried on by any person ³[or the activity of tourism, within the area notified as the tourist place or hill station, by the State Government] and shall include construction of industrial buildings used for

¹ These words were inserted by Mah. 26 of 2005, s. 2 (c).

² The existing *Explanation* was renumbered as *Explanation-I* and after the *Explanation-I* so renumbered, the *Explanation-II* was added, *ibid*, s. 2 (e).

³ These words were inserted and deemed to have been inserted with effect from 1st July, 2000, *ibid*, s. 2 (d).