

(2000) 05 AHC CK 0051
In the Allahabad High Court
Case No : C.M.W.P. No. 25189 of 2000

Smt. Saroj Jaiswal and another	Vs	APPELLANT
District Magistrate and others		RESPONDENT

Date of Decision : 23-05-2000

Acts Referred:

Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 282, 341

Citation : (2000) 3 AWC 2353 : (2000) AWC 2353 : (2000) 91 RD 439

Hon'ble Judges : D. S. Sinha, J; Bhagwan Din, J

Bench : Division Bench

Advocate : A. N. Sinha, for the Appellant; S. C., for the Respondent

Judgement

D. S. Sinha and Bhagwan Din, JJ.—Heard Shri A. N. Sinha. learned counsel appearing for the petitioners, Shri Sanjay Goswami, learned standing counsel of the State of U. P. representing the respondent Nos. 1 and 2, and Shri Chandra Prakash, learned counsel who has accepted notice on behalf of the respondent No. 3.

2. Petitioners are aggrieved by the attachment of their properties in connection with the realisation of alleged dues of respondent No. 3 against respondent No. 4. The attachment has been effected under the provisions of Uttar Pradesh Zamindari Abolition and Land Reforms Act. 1950, hereinafter called the Act, in pursuance of the attachment, properties under attachment are also notified for auction.

3. The provisions contained under Sections 282 and 341 of the Act clearly Indicate that the provisions of Code of Civil Procedure, 1908, hereinafter called the Code, including the provisions contained in Order XXI of the Code, are applicable. if any objection is filed against the attachment by any objector, the authority effecting the attachment is under obligation to decide the objection before proceeding further in the matter in pursuance of the attachment. Neither Shri Chandra Prakash, learned counsel appearing for the respondent No. 3 nor

Shri Sanjay Goswami, learned standing counsel of the State of U. P. representing the respondent Nos. 1 and 2 has been able to dispute this position of law.

4. It is stated at Bar that the petitioners have filed objection but the concerned authority has not disposed of the same and is proceeding further in the matter, if it is really so, the situation is deplorable.

5. The Court expects that the concerned authority shall adhere to and obey the provisions of law by deciding the objection of the petitioners against the attachment before proceeding in the matter further. Indeed. Shri Sanjay Goswami, learned standing counsel of the State of U. P. representing the respondent Nos. 1 and 2, assures that law shall be strictly adhered to by the authority concerned.

6. Subject to what has been said above, the petition is disposed of finally.