

(1983) 08 SC CK 0034

In the Supreme Court Of India

Case No : Writ Petition No's. 4311 and 4312 of 1982

Yogendra Sharma and Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 23-08-1983

Acts Referred:

Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 279(1), 281

Citation : AIR 1984 SC 26 : (1983) RD 271 : (1984) SCC 606 Supp : (1984) 1 SCC 606 Supp

Hon'ble Judges : R. B. Mishra, J;E. S. Venkataramiah, J;A. N. Sen, J

Bench : Full Bench

Final Decision : dismissed

Judgement

E.S. Venkataramiah, J.—The petitioners in the above petitions are liable to pay certain dues to the State Bank of Patiala which, are recoverable under the U.P. Public Moneys (Recovery of Dues) Act. 1972 read with Section 279 of the U.P. Zamindari Abolition and Land Reforms Act. 1950. Apprehending that they would be arrested and detained by the revenue authorities concerned in the course of the recovery proceedings the petitioners questioned in these petitions the constitutional validity of Section 279(1)(b) and Section 281 of the U.P. Zamindari Abolition and Land Reforms Act. 1950 which authorise the recovery of the arrears by the arrest and detention of the defaulter. In *Ram Narayan Agarwal v. State of Uttar Pradesh Writ Petns. Nos. 1110 of 1980 etc. etc.*, decided today (reported in 1983 Tax LR 3008). we have upheld the constitutional validity of the impugned provisions. The petitions are. therefore, dismissed. It is open to the revenue authorities to recover the amount due and payable by the petitioners in accordance with law and in the light of the judgment delivered in *Ram Narayan Agarwal's case (supra)*. No costs.