

G. S. Agarwal

Vs

State of U. P. and Others

Writ Petition No. 420 of 1981

Smt. Sabajmala Jain

Vs

State of U. P. and Others

Writ Petition No. 2747 of 1982

Writ Petitions Nos. 420 of 1981 and 2747 of 1982

(A. P. Sen, E. S. Venkataramiah, R. B. Misra JJ)

23.08.1983

JUDGMENT

VENKATARAMIAH, J. –

Each of the petitioners in the above two petitions is liable to pay certain dues to the U.P. State Electricity Board. In order to recover the said dues action was taken against them under the U.P. Government Electrical Undertakings (Dues Recovery) Act, 1958 read with Section 279 of the U.P. Zamindari Abolition and Land Reforms Act, 1950. Apprehending that the revenue authorities concerned would proceed against them to recover the said dues by their arrest and detention under Section 279(1)(b) read with Section 281 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 the petitioners have filed the above petitions challenging inter alia the constitutional validity of the process of arrest and detention prescribed by Section 279(1)(b) of the U.P. Zamindari Abolition and Land Reforms Act, 1950. In Ram Narayan Agarwal v. State of U.P. ((1983) 4 SCC 276 : 1983 SCC (Tax) 322) we have upheld the constitutional validity of the said provisions. The only point pressed before us in these two petitions being the one relating to the validity of the above provisions, we dismiss the above two petitions. It is open to the revenue authorities to proceed against the petitioners to recover the amount due and payable by them in accordance with law by issuing a fresh process in the light of the judgment delivered in Ram Narayan Agarwal case ((1983) 4 SCC 276 : 1983 SCC (Tax) 322). No costs.

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