

Yogendra Sharma and Another

Vs

State of U. P. and Others

Writ Petition Nos. 4311 and 4312 of 1982

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

23.08.1983

JUDGMENT

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 U.P. ((1983) 4 SCC 276 : 1983 SCC (Tax) 322) 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 case ((1983) 4 SCC 276 : 1983 SCC (Tax) 322). No costs.

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