

S. P. Seth

Vs

Padam Goel and Others

Writ Petition No. 8458 of 1981

(A. N. Sen, E. S. Vankataramiah, R. B. Misra JJ)

07.09.1983

ORDER

This petition under Article 32 of the Constitution challenging the constitutional validity of sub-section (1) of Section 279 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 providing for arrest and detention of a defaulter in the course of recovery of arrears of sales tax as arrears of land revenue must fail insofar as that question is concerned in view of the judgment of this Court in Ram Narayan Agarwal v. State of Uttar Pradesh [(1983) 4 SCC 276] dated August 23, 1983 upholding the constitutional validity of that provision. The authorities may now take recourse to the provision of sub-section (1) of Section 279 of the Act and shall follow the procedure as indicated in the judgment if they propose to recover the amount due by coercive process of arrest and detention of the defaulter in this case. All other questions including the validity of the notice of demand are left open. The petitioner is at liberty to have recourse to appropriate remedies. In the result, the writ petition fails and is dismissed.

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