

G.S. Agarwal vs State Of U.P. And Ors. on 23 August, 1983

Equivalent citations: AIR1983SC1224, 1984SUPP(1)SCC607, AIR 1983 SUPREME COURT 1224, 1983 (9) ALL LR 20 (R), (1983) 9 ALL LR 20, (1983) REVDEC 266

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Bench: A.P. Sen, E.S. Venkataramiah, R.B. Misra

JUDGMENT

E.S. Venkataramiah, J.

1. 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 Uttar Pradesh*. Writ Petitions Nos. 1110 of 1980 etc. etc. decided today : (reported in 1983 Tax LR 3008) (SC). 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 Agarwals case* (supra). No costs.