

Court No. - 4

Case :- WRIT - A No. - 12169 of 2024

Petitioner :- Rana Bano

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Energy Deptt. Lko.
And 5 Others

Counsel for Petitioner :- Vidya Bhushan Pandey

Counsel for Respondent :- C.S.C.,Alok Saran

Hon'ble Rajnish Kumar,J.

1. Shri Vidya Bhushan Pandey, learned counsel for the petitioner submits that the petitioner was appointed under dying in harness in place of her husband who died on 06.03.2023. By means of the impugned order, arrears of income tax of the deceased husband are being recovered from the petitioner without any show cause notice and informing as to arrears are of which period.

2. Shri Ashutosh Verma, Advocate holding brief of Shri Alok Saran, learned counsel for the respondent nos.2 to 6 does not dispute the contention of the learned counsel for the petitioner. He submits that one installment has already been deducted. He further submits that the impugned order may be quashed and liberty may be granted to pass a fresh order after affording opportunity to the petitioner and then proceed further. To which there is no objection by the learned counsel for the petitioner.

3. Learned Additional Chief Standing Counsel is present for the respondent no.1.

4. In view of above and the consensus among the learned counsel for the parties, the impugned order dated 27.11.2024 passed by the Executive Engineer, Hussainganj i.e. respondent no.4 is hereby quashed with liberty to the respondent to pass a fresh order in accordance with law after affording opportunity to the petitioner.

5. The recovery made from the petitioner of the first installment shall be refunded to the petitioner forthwith which shall be subject to fresh order, if passed.

6. With the aforesaid, the petition is **allowed**. No order as to costs.

(Rajnish Kumar, J.)

Order Date :- 19.12.2024

Haseen U.