

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.17493 OF 2008

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

“... to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the impugned order of attachment cum sale of the movable property in SB Account No.SBPE - 01/00101513 of pension and provident fund of the petitioner lying with 3rd respondent dt. 14-05-2008 for recovery of surcharge amount is illegal, arbitrary and unconstitutional and consequently by setting aside the impugned attachment cum sale notice dt. 14-05-2008 direct the respondents to strictly adhere to the procedure for recovery as per law without attaching the SB Account of pension belongs to the petitioner in the interest of justice.”

2. I have heard the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Co-operation, appearing for the 1st respondent. There is no representation for the respondents 2 and 3. I have perused the material record.

3. On 12.08.2008, this Court, while ordering notice before admission, granted the following interim order:

“Pending further orders, there shall be interim suspension of the order of attachment dated 14.5.2008 for a period of four weeks from today.”

Thereafter, the said order was extended from time to time; since no counter has been filed in the Writ Petition, on 18.10.2008, the Writ Petition was admitted and the interim orders are directed to be continued pending further orders.

4. Learned counsel for the petitioner submits that at the time of filing of the Writ Petition, the only grievance of the petitioner is with regard to the attachment – cum – sale of the movable property i.e., SB Account aforementioned of the petitioner; that in view of the interim order, no further steps have been taken by the respondents; and that the amount in the afore-stated SB Account might have been released to the petitioner; that despite a letter, dated 19.09.2018, addressed by him, the petitioner has not responded; and, that therefore, the Writ Petition may be dismissed.

5. Learned Government Pleader for Co-operation is present.

6. Recording the submissions, the Writ Petition is dismissed. It is needless to mention that the respondents, if they are so advised, are at liberty to proceed further in the matter in accordance with the procedure established by law.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M. SEETHARAMA MURTI, J

October 01, 2018
MD