

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12283 of 2003

ORDER:

This writ petition is filed seeking the following relief:

‘To issue an order, direction or writ, in the nature of Writ of Mandamus declaring that the action of the respondents in initiating recovery from the petitioner of the arrears of rent due from the Government of Andhra Pradesh to the legal heirs of Mr.M.V.R.Acharyulu petitioner in WP.No.13606/96 is unlawful and unreasonable and further directing the respondents 1 to 3 to stop the said recovery.”

Heard Sri N.Praven Reddy, Amicus Curiae and the learned Government Pleader for Revenue.

It has been contended by the deceased petitioner that he is a retired employee and after issue of attachment orders by the Mandal Revenue Officer, Ongole, his account was attached. Challenging the same, the present writ petition is filed.

The Amicus Curiae informed the Court that this case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of **State of Punjab v. Rafiq Masih**¹ wherein it

¹ 2015 (4) SCC 334

was held that the amounts from a retired employee cannot be recovered.

Accordingly, the Writ Petition is allowed with all consequential benefits. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 05/11/2018

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