



WP(MD)No.29741 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.29741 of 2024
and
WMP(MD)No.25073 of 2024

S.Vijayalakshmi

.. Petitioner

v.

1.The District Collector,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukottai Office,
Virudhunagar.

3.The Treasury Officer,
District Treasury,
Virudhunagar.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the impugned recovery order in No.Na.Ka.A1/363/24/2023 dated 18.09.2024 passed by the second respondent and quash the same.



WP(MD)No.29741 of 2024

For Petitioner : Mr.N.Ganesh
For Respondents : Mr.A.Baskaran,
Additional Government Pleader

ORDER

The petitioner is a widow. Her husband served as a Village Administrative Officer in the Revenue Department and retired on superannuation on 30.04.2008. The petitioner's husband was also died on 19.11.2022. While so, by the order impugned dated 18.09.2024, the second respondent has passed an order of recovery as against this petitioner stating that her husband was paid with excess house rent allowance and that this excess amount needs to be recovered from the petitioner's pension benefits.

2.When this writ petition is taken up for hearing, learned Counsel for the petitioner, by referring to the order passed by this Court in WP(MD)No. 19290 of 2024, etc., batch, dated 05.12.2024, submitted that in a similar batch of writ petitions, this Court, following the decision of the Hon'ble Supreme



WP(MD)No.29741 of 2024

Court in *State of Punjab and Others v. Rafiq Masih (White Washer)* [AIR 2015 SC 696], has quashed the impugned orders of recovery.

3.Learned Additional Government Pleader has not refuted this submission made by the petitioner's Counsel.

4.In view of the above position, this writ petition stands allowed, following the order passed in WP(MD)No.19290 of 2024, etc., batch, dated 05.12.2024 and the impugned order of recovery dated 18.09.2024 is set aside.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
gk

10.12.2024

To

1.The District Collector,
Virudhunagar District.



WP(MD)No.29741 of 2024

2.The Revenue Divisional Officer,
Aruppukottai Office,
Virudhunagar.

3.The Treasury Officer,
District Treasury,
Virudhunagar.



WEB COPY



WP(MD)No.29741 of 2024

B.PUGALENDHI, J.

gk

WP(MD)No.29741 of 2024

10.12.2024