

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6839 OF 2015

Basavraj Murageppa Aigali	...	Petitioner
V/s.		
State of Maharashtra & ors.	...	Respondents

WITH
WRIT PETITION NO. 6840 OF 2015

Dhairyashil Yaashavantrao Chavan	...	Petitioner
V/s.		
State of Maharashtra & ors.	...	Respondents

WITH
WRIT PETITION NO. 8178 OF 2015

Annappa Madappa Suslad & ors.	...	Petitioners
V/s.		
State of Maharashtra & ors.	...	Respondents

WITH
WRIT PETITION NO. 8179 OF 2015

Tukaram Bhairu Kare & ors.	...	Petitioners
V/s.		
State of Maharashtra & ors.	...	Respondents

WITH
WRIT PETITION NO. 8195 OF 2015

Kasim Dastagir Mulla	...	Petitioner
V/s.		
State of Maharashtra & ors.	...	Respondents

WITH
WRIT PETITION NO. 10051 OF 2015

Raosaheb Radhu Mote & ors.	...	Petitioners
V/s.		
State of Maharashtra & ors.	...	Respondents

WITH
WRIT PETITION NO. 10052 OF 2015

Gajanan Ganpati Bhusnur & ors.	...	Petitioners
V/s.		
State of Maharashtra & ors.	...	Respondents

WITH
WRIT PETITION NO. 10243 OF 2015

Tukaram Santu Tengale & ors.	...	Petitioners
V/s.		
State of Maharashtra & ors.	...	Respondents

WITH
WRIT PETITION NO. 11031 OF 2015

Tayyapa Mallapa Tone & ors.	...	Petitioners
V/s.		
State of Maharashtra & ors.	...	Respondents

WITH
WRIT PETITION NO. 10242 OF 2015

Suresh Annapa Pawar & anr. V/s.	...	Petitioners
State of Maharashtra & ors.	...	Respondents

WITH
WRIT PETITION NO. 10241 OF 2015

Hanmant Laxman Kamble & ors. V/s.	...	Petitioners
State of Maharashtra & ors.	...	Respondents

WITH
WRIT PETITION NO. 11356 OF 2015

Appaso Babaso Patil & anr. V/s.	...	Petitioners
State of Maharashtra & ors.	...	Respondents

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Mr. P.B. Deo for the petitioners.

Mr. Vikas Mali, AGP for the State.

Mr. R.D. Rane for respondents 3 and 6 in all petitions.

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**CORAM : NARESH H. PATIL AND
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

17th April, 2017.

P.C.

The Writ Petition Nos. 10242/2015, 10241/2015 and 11356/2015 are not on Board. Upon production at 3.00 p.m., the same are taken on Board.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

3. The petitioners challenge a communication made by the Chief Executive Officer to Collector dated 9th April, 2015 communicating Collector in respect of entries to be made in the revenue records of the petitioners regarding same amount which according to the Chief Executive Officer was due to be recovered from them. In a scheme known as 'Bharat Nirman Yojna', some of the petitioners participated and carried out certain work as contractors. Some have worked as members of Committee according to learned Counsel. All such persons who were attached to the execution of work under Bharat Nirman Yojna suffered this order. Learned Counsel placed reliance on the order passed by Division Bench of this Court (Coram: B.H. Marlapalle & N.D. Deshpande, JJ) in Writ Petition No. 5019/2010 and 5134/2010 dated 17th September, 2010. Learned Counsel submits that State Government had constituted Tribunal under Section 141-A of the Maharashtra Zilla Parishad and Panchayat Samiti Act, 1961. All such issues are to be dealt with by the Tribunal. On this ground alone, learned Counsel submits that matter needs to be remanded back to the Tribunal constituted. The Zilla Parishad is required to approach the Tribunal.

4. The Counsel appearing for Zilla Parishad submits that in accordance with the provisions of Section 141-A, as the Tribunal was constituted so the Zilla Parishad authorities would approach the Tribunal for seeking redressal of their grievance within a period of three weeks.

5. The petitioners shall submit an undertaking to this Court that they shall not create any third party interest of whatsoever nature in the subject properties until the Tribunal decides the matter finally and for two weeks after communication of the order passed by the Tribunal. Learned Counsel appearing for petitioners submits that undertakings are presented today before this Court. The same be filed with the Registry of this Court.

6. In the light of the discussions made as above and submissions by the Counsel appearing for the respective parties, we partly allow the petitions in following terms:

ORDER

- (i) The Writ Petitions are allowed in the above terms.

(ii) The impugned communication/s and order/s made by the Chief Executive Officer, Zilla Parishad, Sangli dated 9th April, 2015 and communication made by Collector, Sangli to Tahasildar dated 27th April, 2015 are hereby quashed and set aside.

(iii) The Chief Executive Officer shall approach the Tribunal for appropriate reliefs within three weeks from today.

(iv) The Tribunal is directed to decide the matter as expeditiously as possible but not later than three months from the date of receipt of the proposal.

(v) On petitioners submitting undertaking to this Court, the charge made on the properties of the petitioners shall stand removed. We direct the Revenue officers not to auction the properties of the petitioners till the Tribunal takes a decision. The petitioners shall not create any third party interest till the decision is taken by the Tribunal.

7. Keeping all issues on merits open, Writ Petitions stand disposed of.
Rule is made absolute in the above terms.

8. All concerned to act on an authenticated copy of the order.

(DR. SHALINI PHANSALKAR-JOSHI, J)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.