

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

WRIT PETITION NO.11050 OF 2016

Smt. Urmila Devi & Ors. .. Petitioners.
Vs.
M/s. Giridhar Roadways
Shai Petrol Pump (HP) & Ors. .. Respondents.

Mr. Anilkumar K.P. for the Petitioners.
Ms. Aparna D. Vhatkar AGP for the Respondents.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 28TH APRIL, 2017

P.C.

1. Heard learned counsel appearing for the petitioners and learned A.G.P for the State.

2. The case of the petitioner is that the order passed by the Commissioner under the Employees' Compensation Act, 1923 (for short "the said Act of 1923") Azamgarh, has not being complied with by the respondent nos.1, 2 and 3. Under Section 31 of the said Act of 1923, the Commissioner is deemed to be a public officer within the meaning of Section 5 of the Revenue Recovery Act, 1890. In view of the said provision, if the amount payable to the petitioners is not paid, the Commissioner will have to exercise powers under the said provision and take necessary steps for requesting the concerned Collector to recover the amount payable to the petitioners as if the same represent the arrears of land revenue due and payable by the

concerned respondents. The learned counsel appearing for the petitioners seeks a permission to withdraw this petition with a liberty to apply to the Commissioner for taking appropriate steps in the matter. Accordingly, the petition is disposed of as withdrawn with liberty as prayed.

3. If any request is received by the District Collector from the office of the Commissioner at Azamgarh, we are sure that the District Collector of Thane will take immediate steps on the basis of the said request.

(A.K. MENON, J.)

(A.S. OKA, J.)