

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

905 WRIT PETITION NO. 4689 OF 2018

BHAGWAN SAKHARAM BAROTE
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. More Ashok A.

AGP for Respondents : Mr. A.P.Basarkar

...

WITH

WRIT PETITION NOS. 4690, 4691, 4692, 7260, 7556 AND 7570 OF 2018

...

CORAM : S.V.GANGAPURWALA

AND

SUNIL K.KOTWAL, JJ.

DATE : JULY 11, 2018

O R D E R :

1. Mr. More, the learned counsel for the petitioners states that the order has been passed under the Payment of Gratuity Act, 1972, by the authorities wherein, respondent No. 4 herein is directed to pay the amount of gratuity to the petitioners. The learned counsel submits that pursuant to the said order, revenue recovery certificates are also issued. The same are required to be executed in accordance with the provisions of the Maharashtra Land Revenue Code, 1966. The learned counsel submits that the revenue recovery certificates are issued in the months of November 2017, however, as yet, no steps are taken by the authorities for executing the same.

2. The learned AGP states that before executing the revenue recovery certificates, the authorities have to confirm all other aspects of the matter, such

as the properties not being attached or charged under other laws by the other creditors. In case there is no other impediment, the authorities would execute the revenue recovery certificates in accordance with law.

3. Considering the above, we pass the following order :

O R D E R

I. In case the revenue recovery certificates in favour of the petitioners are still in force and the properties of respondent No. 4 are not attached or no further steps are taken by any other creditor, then the authorities i.e. respondent Nos. 2 and 3 shall execute the revenue recovery certificates in accordance with law expeditiously. The petitioner shall cooperate in showing the properties of the Karkhana, movable as well as immovable to enable the authorities to proceed further. We have not laid down any particular time frame, however, it is expected that the authorities shall take expeditious steps to execute the same considering that it is an amount with regard to the gratuity and the petitioners are senior citizens.

II. The writ petitions are disposed of. No costs.

[**SUNIL K.KOTWAL, J.] [**S.V.GANGAPURWALA, J.]****