

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

**WRIT PETITION NO.474 OF 2019
JAYAJI KALUBA GADEKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.508 OF 2019
LAXMAN BHIKA JAWALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.509 OF 2019
GYANABA NAMDEO IDHATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.510 OF 2019
SURESH NANABHAU HUSALKAR THROUGH LRS SHALINI SURESH
HUSALKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.511 OF 2019
VITTHAL GIRJUBA GIRI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.512 OF 2019
SAKHARAM TOTARAM GAOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.513 OF 2019
DAGADU SAKHARAM JAMKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.518 OF 2019
UTTAM ASHRUBA JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.522 OF 2019
UTTAM GANGARAM JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.551 OF 2019
SAHEBRAO LAXMAN KADAM THROUGH LRS JANABAI SAHEBRAO KADAM
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.845 OF 2019
VITTHAL TUKARAM KALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.846 OF 2019
UTTAM LAXMAN GIRNARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.847 OF 2019
AJIJ ABDUL SYED
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.848 OF 2019
CHHAGAN DHONDIBA THATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.849 OF 2019
SARJERAO GAMAJI SAKHRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.850 OF 2019
TRIMBAK ASARAM SHRIKHANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.851 OF 2019
AHMEDKHA YASEENKHA PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.852 OF 2019
SHESHRAO RAMRAO MIRGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.853 OF 2019
GANGADHAR DAGDU MOTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.854 OF 2019
BABURAO LAXMAN KHAJEKAR THROUGH LRS DWARKABAI
BABURAO KHAJEKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.855 OF 2019
DNYANESHWAR VISHWAMBHAR GHADMODE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.856 OF 2019
SANTU KHANDU TUPE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.857 OF 2019
TUKARAM BHIMRAO WARADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.858 OF 2019
HARIHAU SANDU KHADKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.859 OF 2019
VILAS NANA PATIL TORANMAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.860 OF 2019
NARAYAN BHIKA BHOMBE THROUGH LRS LEELABAI NARAYAN BHOMBE
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.861 OF 2019
YEDUBA GANPAT BALANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.862 OF 2019
NAMDEO BHAGAJI AMTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.863 OF 2019
GAJANAN ONKAR GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.864 OF 2019
SHRIRANG DEVRAO GADHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.865 OF 2019
VINAYAK DEUBA BHOSALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.866 OF 2019
SANDU MAHADU GAVANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.867 OF 2019
PANDURANG SHANKAR BHOSALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.868 OF 2019
GOVIND MADHAV DANDGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WRIT PETITION NO.869 OF 2019
TRIMBAK DEORAO KAKADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

WRIT PETITION NO.870 OF 2019
KASHINATH LAXMAN TUPE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WRIT PETITION NO.871 OF 2019
RAMA LAXMAN KANFATE THROUG LRS JIJABAI RAMARAO KANFATE
AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

WRIT PETITION NO.872 OF 2019
PRAKASH ANANDA SALVI
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

WRIT PETITION NO.873 OF 2019
SAKHARAM TUKARAM LAHANE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

WRIT PETITION NO.874 OF 2019
ABARAO PARBHAT RAKADE THROGH LRS RAJUBAI ABARAO RAKADE
AND ANOTEHR
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

WRIT PETITION NO.875 OF 2019
SHESHRAO SHANKAR GORADE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

WRIT PETITION NO.876 OF 2019
SHIVAJI BHIKA SALVE THROUG LRS SEVENTABAI SHIVAJI SALVE
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

WRIT PETITION NO.877 OF 2019
NANA BANDU PARVE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

WRIT PETITION NO.878 OF 2019
JUMMA KHAN HAFIZ KHAN
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

WRIT PETITION NO.879 OF 2019
RATANSINGH JALAMSINGH KHANALKAR
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

WRIT PETITION NO.880 OF 2019
UTAM TANHAJI WAGH
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

WRIT PETITION NO.881 OF 2019
SAKHARAM YADAV SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

WRIT PETITION NO.882 OF 2019
SHESHRAO BAPURAO SABLE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

WRIT PETITION NO.883 OF 2019
DARBARKHA SARDARKHA PATHAN
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

WRIT PETITION NO.884 OF 2019

**SARJERAO NAMDEO JADHAV
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.885 OF 2019
KAUTIK PANDURANG TAYADE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.886 OF 2019
LAXMAN GANPAT MANGATE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.887 OF 2019
VITTHAL SANDU WAGH
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.888 OF 2019
SHIVAJI BHIVSAN SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.889 OF 2019
SHESHRAO BABURAO SAKHLE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.890 OF 2019
TEJRAO DAGADU SHEJUL
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.891 OF 2019
DEVIDAS JANRAO KAKADE`
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.892 OF 2019
BABURAO SHENPHAD GAVHANE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.893 OF 2019
SHAIKH ABDUL KARIM SK BEGUTHROUGH LRS RASHIDABEGUM SK
ABDUL KARIM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.894 OF 2019
BHIKAN BARKU THORAT
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.895 OF 2019
DATTU MITHU LOKHANDE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.896 OF 2019
MURLIDHAR VITTHAL WAGH
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.897 OF 2019
SUDAM SAKHARAM SHINDE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.898 OF 2019
SUKHDEO PANDURANG SAPKAL
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

WRIT PETITION NO.899 OF 2019

**MANIKRAO BHIKA KALE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.900 OF 2019
KADUBA SHENPHAD BHUME
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.901 OF 2019
VITTHAL TUKARAM SHINGARE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.902 OF 2019
SHRIDHAR RAMCHANDRA PALODKR
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.903 OF 2019
SAHEBRAO PARASRAM SIRSAT
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.904 OF 2019
RAMRAO SAKHARAM KUNTE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.905 OF 2019
YADAV SANDU THORAT
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

WRIT PETITION NO.906 OF 2019

**KADUBA SHRIPAT DAUD
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.907 OF 2019
RAMKRISHNA MAROTI KAKADWE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.908 OF 2019
SUKHDEO SANDU KAKDE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.909 OF 2019
KASHINATH JAGANNATH SURSE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.910 OF 2019
TEJRAO PANDURANG KHARAT
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.911 OF 2019
WAMAN NATUBA PANDIT
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.912 OF 2019
VITTHAL NATUBA KOLHE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

WRIT PETITION NO.913 OF 2019

**POPATRAO GENUJI KHAJEKAR TROUGH LRS SULOCHANA POPATRAO
KHAJEKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.914 OF 2019
AMBADAS SANPAT PALODKAR THOUGH LRS TARABAI AMBADAS
PALODKAR AND OTEHRS
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.915 OF 2019
SAHEBRAO FAKIRA LAKKAS
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.916 OF 2019
MANIKRAO LAXMAN KALAM
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.917 OF 2019
DAMU BHIKA SAPKAL THROUGH RS NIRMALABAI DAMU SAPKAL AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.918 OF 2019
SITARAM VISHWANATH MHASKE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.919 OF 2019
APPARAO DHONDIBA MAGAR
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

WRIT PETITION NO.920 OF 2019

**NARAYAN ANANDA THOMBARE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.921 OF 2019
RAMBHAU WALUBA SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.922 OF 2019
DAMU RAMBHAU KALE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.923 OF 2019
SHESHRAO DEVAJI ROTHE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.924 OF 2019
RAMDAS SANDU KAKDE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.925 OF 2019
SHAIKH BEGU SHAIKH CHAND TROUGH LRS ASHABEE BEGU SHAIKH
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.926 OF 2019
KADUBA MANAJI SALVE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

WRIT PETITION NO.927 OF 2019

**SITARAM SUPDA RAUT
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.928 OF 2019
RAMDAS TUKARAM PATIL
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.929 OF 2019
RAMDAS PADURANG KHAKRE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.930 OF 2019
BHANUDAS EKNATH MAGAR
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.931 OF 2019
SHENPHAD YEDUBA KAKDE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.932 OF 2019
KASHINATH RAMKRISHNA THAKU
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.933 OF 2019
RANGNATH GOPALRAO THUBE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

WRIT PETITION NO.934 OF 2019

**EKNATH PANDHARINATH KUMAWA
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.935 OF 2019
VITTHAL KALU TUPE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.936 OF 2019
BABURAO SHENPHAD KAKDE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.937 OF 2019
BHUJANGRAO DADARAO AHER
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.938 OF 2019
AMBADAS PANDURANG SHRIKHAN
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.939 OF 2019
VITTHAL SANDU KHARAT
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.940 OF 2019
NAMDEO KISAN PANDIT
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

WRIT PETITION NO.941 OF 2019

**SHERKHA AMIRKHA PATHAN
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.942 OF 2019
SAHEBRAO RAGHO KALAM
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.943 OF 2019
MANIKRAO HANUMANTRAO SHIRSTH
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.944 OF 2019
RATAN JAIRAM PAWAR THROUGH LRS CHANDRAKALABAI RATAN PAWAR
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.945 OF 2019
MANIKRAO BAPURAO TUPE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.946 OF 2019
NAMDEO PUNJAJI TAMBDE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

**WRIT PETITION NO.947 OF 2019
KASHINATH BABURAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS**

Mr.Ashok A. More, Advocate for the petitioners.

Mrs.M.A. Deshpande, Mr.A.R. Kale, Mr. S.S. Dande, Ms.R.P. Gaur, Mr. V.S. Badakh, AGPs for the respondent/State in the respective petitions.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 23.01.2019

P.C. :-

1. This bunch of petitions involves an identical issue. It may not be out of place to refer to the prayer in the petitions :-

“(b) Direct the respondents No.2 & 3, the District Collector, Aurangabad and Tahsildar, Sillod, respectively to proceed with recovering the gratuity amount under recovery certificate together with 15% compound interest from due date mentioned in the recovery certificate together the amount of cost mentioned till full realization of the entire amount as arrears of land revenue by seizing/attaching bank account/s /disposing-off the land property of respondent No.4 Siddheshwar Cooperative Sugar Factory, Maniknagar Sillod as granted by the Ld. Controlling Authority vide judgment and order dated 28.04.2016 in Application (PGA) No.46/2015 within stipulated period of time and further be pleased to direct the respondents 2 and 3 to deposit the same with Registry of this Hon'ble High Court with a liberty to the Petitioner to withdraw the same.”

2. All these petitioners are in their advanced age and are awaiting for the payment of gratuity. It will be

also not out of place to mention that an identical issue was involved in Writ Petition No.4689 of 2018. It was the submission before the Court that the order has been passed under the Payment of Gratuity Act, 1972 by the authority, wherein respondent No.4 i.e. the Managing Director, Siddhewhar Sahakari Sakhar Karkhana, Maniknagar, Sillod was directed to pay amount of gratuity to the petitioners. Pursuant to the order, the revenue recovery certificates were also issued and they were required to be executed in accordance with the provisions of the Maharashtra Revenue Code, 1966. Though the revenue recovery certificates were issued sometime in the year 2017, till the date petition which was filed before this Court, no steps were taken by the Authorities for executing the revenue recovery certificates. A statement was made before this Court on behalf of the respondent – Authorities through learned AGP that the Authorities would confirm all the aspects in the matter and if the properties are not being attached or charged under the laws by the other creditors, the Authorities would

execute the revenue recovery certificates, in accordance with law. In view of the statement, the Division Bench was pleased to dispose of the petition with directions referred to in the order and the order is as under :-

"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."

3. Learned Counsel for the petitioners submitted that even though orders were passed by this Court, there was no reasonable progress in the matter, as such the petitioners approached this Court by filing Civil Applications. In the order of bunch of Civil Applications, the Division Bench on 07.10.2016 expected

that the Revenue Authorities are required to be sensitive to the amount, which is payable as retiral benefit to the retired employees and considering the fact that they are senior citizens, the authorities ought not to have adopted approach of apathy to this issue. The Division Bench then observed that it is expected that the authorities would take positive steps within eight weeks from the date of the order. Then it was submitted that inspite of such order, the matter was at stand-still. As such, the petitioners were left with no option but to file Contempt Proceedings in this Court. After issuance of simple notice by this Court, the authorities took immediate steps.

4. Considering all these facts, we direct the authorities to execute revenue recovery certificates in accordance with law, if there is no other impediment in the nature of the property being attached or charged under other laws. The Authorities to undertake exercise and complete the same not later than 12 (twelve) weeks

from the date of order of this Court.

6. With these observations and directions, the writ petitions are disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]