

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.10392 OF 2019

SIDDESHWAR SAHAKARI SAKHAR  
KARKHANA LTD THRO ITS  
AUTHORISED OFFICER ...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA  
AND OTHERS ...RESPONDENTS

Mr. A.M. Karad, Advocate for Petitioner  
Mr. P.G. Borade, AGP for Respondents-State  
Mr. M.S. Sonawane, Advocate for Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND  
ANIL S. KILOR, JJ.**

**DATE : 26<sup>th</sup> AUGUST, 2019**

**ORAL ORDER:**

1. Heard Mr. Karad, the learned Counsel for the petitioner.

The petitioner assails the order dated 09.05.2019 and the proclamation dated 30th July, 2019.

2. The order dated 09.05.2019 is passed by the Tahsildar for execution of the revenue recovery certificate.

3. The revenue recovery certificate is issued pursuant to the order passed by the Controlling Authority and the Judge, Labour Court under the Payment of Gratuity Act, 1972. The employees of

the petitioner had moved the authority under the Payment of Gratuity Act for recovery of the amount of the gratuity. In the said proceedings, the Controlling Authority and the Judge, Labour Court passed the order directing the petitioner to pay the amount. pursuant to the said order, revenue recovery certificate is issued and same is implemented.

4. Mr. Karad, the learned Counsel submitted that the petitioner has moved the Controlling Authority and the Judge, Labour Court for setting aside the order passed exparte. The said proceedings are pending.

5. The amount of gratuity is payable to the retired employees. Moreover, recovery certificate is pursuant to the orders passed by the Controlling Authority and the Judge, Labour Court. Unless the petitioner is successful in getting order passed by the Controlling Authority and the Judge, Labour Court set aside, the further proceedings cannot be said to be erroneous.

6. The petitioner is at liberty to take steps in the proceedings filed by the petitioner for setting aside the order of the Controlling Authority and the Judge, Labour Court.

7. As far as the challenge to proclamation is concerned, the petitioner may avail the remedy under the provisions of the

Maharashtra Land Revenue Code.

8. Mr. Karad, the learned Counsel submits that at very low price, the land of the petitioner is sold.

9. The petitioner may agitate this aspect in the proceedings. The petitioner may take up before the appropriate authority to challenge the proclamation.

10. In that event, all the contentions of the parties are kept open.

11. With these observations, the Writ Petition is disposed of. No costs.

**[ ANIL S.KILOR ]**  
**JUDGE**

**[ S.V.GANGAPURWALA ]**  
**JUDGE**

mta