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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2389 OF 2018
IN
WRIT PETITION NO.9111 OF 2015**

M/s. G.V. Alurkar Through
Shri Rajendra Alurkar

...Applicant/Petitioner

vs

The State of Maharashtra Through The Hon'ble
Labour Minister And Ors.

...Respondents

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Mr. S.R. Nargolkar, a/w. Mr. Sachin Gite, for the Petitioner.

Mr. P.P. Pujari, AGP, for Respondent No.1-State.

Ms. Pavitra Manesh, i/b. Mr. M.S. Topkar, for Respondent No.2.

Mr. Aumkar V. Joshi, a/w. Mr. Arjun Kadam, for Respondent No.3.

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**CORAM : S.C. GUPTE, J.
DATED: 17 DECEMBER, 2019**

P.C.:

. This civil application has been taken out in a pending writ petition. The controversy in the main petition concerns remuneration payable to 3 out of 151 employees, who were assigned by the Mathadi Board (Respondent No.2) for carrying out the loading and unloading work for the Petitioner. The Petitioner's case was that the work was assigned on a piece rate basis and that the entire remuneration payable for the contract work was duly paid by the Petitioner to the Mathadi Board and the Board was to disburse the dues of the Mathadi workers assigned by it for the contract work. This Court found prima facie merit in that case and accordingly Rule was issued and interim relief granted on 13 August 2018. As a result of the interim order, the direction of

Mathadi Board contained in its impugned order for payment of money remained stayed pending hearing and final disposal of the petition. As a result of this stay, a charge registered by the City Survey Officer and Superintendent of Land Records Kolhapur in respect of the proposed dues of the Mathadi Board in the record of the rights contained in the Petitioner's property described in the order of 13 August 2018 was ordered to be deleted. The present civil application is on the footing that a similar charge based on the same impugned order of the Mathadi Board has been registered in respect of another property of the Petitioner and this charge also be likewise deleted. Since the order, on the basis of which this charge has been recorded in the record of rights, is stayed, the charge deserves to be deleted. The civil application is, accordingly, allowed by ordering deletion of the charge in respect of property, being Plot No.9, Gat No.24/2, admeasuring 4.93.01 R at Ujalaiwadi, Taluka Karveer, District Kolhapur. As a consequence, the notice of auction given by Tahsildar, Karveer on 16 October 2018 (Exhibit C to the civil application) is quashed and set aside.

(S.C. GUPTE, J.)