

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

WRIT PETITION NO. 5112 OF 2020

Manikrao Rambhau Tangade

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

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

Mr. S. R. Yadav-Lonikar, AGP for Respondent Nos. 1 to 3.

Mr. Avinash Katkar, Advocate for Respondent No. 4.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 04th March, 2021.

PER COURT:-

. The petitioner seeks directions for execution of the recovery certificate. The recovery certificate is issued on the basis of the orders passed by the controlling authority for payment of gratuity to the petitioner and against the employer.

2. The learned A.G.P. submits that the properties disclosed has charge of secured creditor.

3. Of course, the priority of the charges will have to be considered by the authorities.

4. The petitioner may point out those properties on which encumbrances are not created to the revenue authorities. In case, such properties are pointed out of the respondent No. 4 that does not bear encumbrance, then the authority shall proceed as against the said properties of respondent No. 4 in accordance with the provisions of the Maharashtra Land Revenue Code and the rules thereunder. The recovery certificate shall be executed if the same is enforceable, in accordance with law and subject to the priority claims of the secured creditor or any other creditor.

5. With these observations, writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.