



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

924 WRIT PETITION NO. 6946 OF 2024

PARWATI KONDIBA GURAV

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
COLLECTOR OSMANABAD AND ANOTHER**

AND

925 WRIT PETITION NO. 6947 OF 2024

GOKARNABAI NAGNATH GURAV

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH COLLECTOR AND ANOTHER**

AND

926 WRIT PETITION NO. 6948 OF 2024

SAHADEO MAROTI GURAV

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH COLLECTOR AND ANOTHER**

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Advocate for Petitioner : Mr. M L Dharashive

Addl.GP for Respondents/State in WP-6946/2024 : Mr. S.K. Tambe

Addl.GP for Respondents/State in WP-6947/2024 : Mr. P.S. Patil

Addl.GP for Respondents/State in WP-6948/2024 : Mr. A.S. Shinde

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**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 12th FEBRUARY 2025

PER COURT :

1. The execution proceeding for the impugned award is already seized with the executing Court. The Counsel for the petitioners submits that the attachment warrant was issued. However the bailiff

did not attach the property and filed an affidavit that the Land Acquisition Officer has told them that they would deposit the money when received from the concerned authority. In such a situation, the petitioner had a remedy to take the matter to the appointing authority of the bailiff. Such is not the practice to return the warrant of attachment. Bailiff is bound to follow the orders of the Court. He cannot take decision at his own.

2. In such a situation, the petitioners have an appropriate remedy before the executing Court or the learned Principal District and Sessions Court. We have already taken a view that no such proceeding could be entertained for the same relief. Hence we expressed opinion to dismiss the petition.

3. Learned Counsel for the petitioners on instructions seeks leave to withdraw the petitions.

4. Leave granted. Writ petitions stand dismissed as withdrawn with liberty to prosecute their execution proceedings.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]