

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12292 OF 2018
IN
WRIT PETITION NO.4797 OF 2004

Mr.V.R.Dhorde, Advocate for the applicants.
Mr.S.R.Yadav, AGP for the respondent/State.
Mr.V.D.Salunke, Advocate for the petitioner in WP No.4797/2004.
Mr.R.S.Deshmukh, Advocate for respondent No.10 in writ petition.
Mr.V.D.Sapkal, Advocate for respondent Nos.9 and 11 in writ petition.
Mr.R.R.Mantri, Advocate for respondent No.12 in writ petition.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 25/01/2019

PER COURT :

1. This is an application filed by the Liquidator, who is a Government Official, on behalf of the Society. It is submitted that a Watchman was appointed by the Liquidator by following the due procedure to look after the land owned by the Society. The said watchman Mr.Chunnekhan Rajekhan Pathan has continuously made applications praying for payment of his monthly wages.

2. Mr.Chunnekhan had filed CA No.13607/2015 praying for his outstanding salary of Rs.9,56,065/- as on 31/03/2015. A detailed order was passed by this Court on 02/08/2017 allowing the application and directing the liquidator to take steps to clear the

arrears of the monthly wages of Mr.Chunnekhan within 3 months.

3. Learned Advocate appearing on behalf of the Liquidator submits that since 1 acre land out of the 27 acres of the total land was acquired by M.S.E.D.C.L. which deposited Rs.3,66,30,466/- before the Trial Court, the wages of Chunnekhan amounting to Rs.10,53,536/- be paid to Chunnekhan.

4. Learned Advocates for the respondents do not oppose, but submit by way of a caution that the said land is originally claimed by 1600 agriculturists, The land actually belongs to the said agriculturists according to Mr.V.D.Salunke. It is valued in gold and only 1 acre of land fetched Rs.3,66,30,466/- in 2011. The learned Advocates appearing for the other sides submit that an amount of Rs.2,50,000/- may be granted at this stage and the civil application be kept pending for reconsideration after the period of 6 months.

5. In view of the above, the liquidator Dr.Mukesh Shivaji Barahate is permitted to approach the Trial Court in RCS No.1/2012 for seeking leave to withdraw Rs.2,50,000/- so as to be paid to Chunnekhan. This application would be filed within 2 weeks from today and the Trial Court would permit the withdrawal within 2

weeks thereafter. The amount shall be paid by the Liquidator to Chunnekhan within 2 weeks from the withdrawal of the said amount and Chunnekhan would issue a receipt of having received the amount with his signature and left hand thumb impression.

6. The further prayers in this Civil application would be considered on 01/03/2019.

(Ravindra V.Ghuge, J.)