

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6307 OF 2016

[Shabbir Shah s/o Sheru Shah and one .vs. Sangita Purushottam Upadhye and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Y.S. Gorle, counsel for the petitioners,
Shri A.M. Joshi, AGP for respondent nos.3 and 4.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : NOVEMBER 16, 2016.

By this writ petition, the petitioners challenge the verification report of the Assistant Registrar of Money-Lending, Karanja (Lad), dated 30.3.2016. The petitioners seek a stay to the proceedings initiated against the petitioners under Section 18 of the Maharashtra Money-Lending (Regulation) Act, 2014.

According to the petitioners, the verification report is not prepared by the Assistant Registrar by following the procedure prescribed by the Act and the Rules. It is submitted that the verification report ought to have been prepared in accordance with the rules framed under the Act. It is stated that an inquiry cannot be conducted against the petitioners under Section 18 of the Act on the basis of the verification report.

On a reading of the provisions of the Maharashtra Money-Lending (Regulation) Act, 2014, it appears that it is necessary for the Assistant Registrar to make an inquiry after asking the concerned party to produce the records and documents and if it is *prima facie* found on verification under Section 16 or an inspection under Section 17 of the Act that any immovable property has come into the possession of the concerned person (money-lender) by way of sale, mortgage, lease, exchange or

otherwise, a further inquiry in the matter of return of the immovable property could be initiated.

The petition is premature. The verification report may not be challenged by the petitioners in exercise of the writ jurisdiction. If ultimately action is taken against the petitioners under Section 18 of the Act, the petitioners would be free to file appropriate proceedings under Section 18 (4) of the Act. We are not inclined to entertain the writ petition at this stage. The writ petition is dismissed with no order as to costs. The points raised in the petition are, however, kept open.

JUDGE

JUDGE