

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

WRIT PETITION NO. 11712 OF 2018

**PURUSHOTTAM RATANLAL TAPADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioner : Shri P. V. Barde h/f.
Shri V. P. Latange

AGP for Respondent Nos. 1 to 4 : Shri S. R. Yadav
Advocate for Respondent No. 5 : Shri U. M. Maske h/f.
Shri R. V. Naiknavare

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 20th OCTOBER, 2018.

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PER COURT :

1. I have heard the learned Advocates for the respective sides and the learned AGP on behalf of respondent Nos. 1 to 4.
2. Considering the order that I am passing in the facts and circumstances of this case, I am not required to advert to the entire submissions of the litigating parties.
3. The sale deed that has been arrived at between the petitioner and respondent No. 5 is dated 10/01/2001. The petitioner preferred RCS No. 554/2014 before the Trial Court

on the ground that respondent No.5 was disturbing his peaceful possession in the property which is subject matter of the sale deed. Temporary injunction was granted on 25/08/2015 and by judgment dated 27/03/2018, the Trial Court decreed the suit and perpetually restrained respondent No. 5 from causing obstruction to the plaintiff's property and his enjoyment of the suit land, otherwise than by following the due process of law.

4. The petitioner contends that on 06/08/2014, respondent No. 5 initiated proceedings under The Maharashtra Money Lending (Regulation) Act 2014. The same was allowed by order dated 31/08/2018. The petitioner has preferred an Appeal proceeding before the Divisional Joint Registrar Co-operative Societies, Latur. Grievance is that during the pendency of the said Appeal, the concerned authority has declined protection to this petitioner. If no protection is granted, the impugned order passed by the District Deputy Registrar, who is District Registrar under the Money Lending Act, will have to be implemented and the petitioner will have to part with the possession of the said property.

5. Despite the strenuous objections of the learned AGP and Shri Naiknaware, learned Advocate, I do not find any application of mind by the competent authority while passing the impugned order dated 11/10/2018, by which, no protection was granted to the petitioner.

6. Considering the above, this petition is allowed. The litigating sides shall maintain status quo and the order of the District Registrar under the Money Lending's Act dated 31/08/2018 shall stand stayed till the Appellate Authority decides the Appeal.

7. Needless to state, since the Appeal is already posted on 01/11/2018, the litigating sides are at liberty to enter their written notes of submissions and cite case law, if any. The Appellate Authority shall decide the Appeal as expeditiously as possible and in any case, on or before 31/12/2018.

(RAVINDRA V. GHUGE, J.)

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