

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2538 OF 2017

(Ajitsingh s/o Narendrasingh Chhatwal Vs. Sardar
Sukhbirsingh Diwansingh Chandok and others)

WITH

WRIT PETITION NO.3555 OF 2017

WITH

WRIT PETITION NO.3806 OF 2017

Mr.B.K.Patil, Advocate for the petitioners.

Mr.S.R.Yadav, AGP for respondent Nos. 4 to 6.

Mr.A.R.Tapse h/f Mr.P.D.Suryawanshi, Advocate for respondent
No.1.

Mr.K.J.Suryawanshi, Advocate for respondent No.2 (Petitioner in WP
No.3555/2017)

Mr.A.P.Bhandari, Advocate for respondent No.3. (Petitioner in WP
No.3806/2017)

(CORAM : Ravindra V.Ghuge, J.)

DATE : 02/12/2019

PER COURT :

1. In all these matters, the petitioners are before the Court as against the order passed by the Divisional Joint Registrar, Co-operative Societies under the Maharashtra Money Lending Regulation Act, 2014.

2. This Court, as well as the learned Court at the Nagpur Bench, have taken a view that the impugned order has to be challenged

before the Registrar (General), who is the Commissioner (Co-operation) u/s 9 of the Act, it being a statutory remedy available.

3. The Hon'ble Apex court, in the matter of Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society (2019 SCC Online SC 1292] in Civil Appeal No.7764/2019, dated 03/10/2019 has held that, in the face of the availability of a statutory remedy, that the jurisdiction of the High Court under Article 227, would be barred in view of the statutory remedy operating as a "Near Total Bar".

4. In the matter of Genpact India Private Limited Vs. Deputy Commissioner of Income Tax, Civil appeal No.8945/2019, dated 22/11/2019, the Hon'ble Apex Court has concluded that if a statutory remedy is available, even an admitted writ petition will have to be dismissed and the parties would have to be relegated to the statutory remedy.

5. In view of the above, these petitions are disposed off with liberty to the petitioners to avail of the statutory remedy on or before 31/12/2019. The time spent by the petitioners in this Court from the date of filing of their petitions in 2017, until 31/12/2019, shall

be a ground for condonation of delay.

6. The ad-interim protection granted by this Court to the petitioners in 2017 shall be continued until 31/01/2020 so as to enable the petitioners to file an application for interim relief before the Registrar (General). Notwithstanding the fate of such applications or the proceedings, the ad-interim protection shall lose its efficacy on 31/01/2020 or on the date the interim applications are decided by the Registrar (General), whichever is earlier.

7. The Registrar (General) shall decide the interim applications on or before 31/01/2020.

(Ravindra V.Ghuge, J.)