

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4143 OF 2019

BALIRAM DAGDU DHAVALA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.V.P.Latange, Advocate for the petitioner.
Mr.S.W.Munde, AGP for respondent Nos. 1 to 4.
Mr.R.V.Naiknavare, Advocate for respondent No.5.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 11/12/2019

PER COURT :

1. In view of the law laid down by judgment dated 28/08/2018 at Nagpur in WP No.5362/2017 (Vishwanath Marotrao Ganjre Vs. Divisional Joint Registrar and others) and similar orders passed by this Court, the petitioner has a statutory remedy u/s 9 of the Maharashtra Money Lending Regulation Act, 2014 by approaching the Registrar (General).

2. Considering the law laid down by the Hon'ble Apex Court in the matter of Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and others Vs. Tuticorin Educational Society and others [2019 SCC online SC 1292] in Civil Appeal No.7764/2019, dated 03/10/2019

and Genpact India Private Limited Vs. Deputy Commissioner of Income Tax, Civil appeal No.8945/2019, dated 22/11/2019, a statutory remedy is required to be availed of and the view taken by the Hon'ble Apex Court (5 Judges Bench) in Waryam Singh Vs. Amarnath [AIR 1954 SC 215], will have to be accepted. The availability of a statutory remedy will be a 'near total bar' for the High Court in entertaining such petitions.

3. In view of the above, this petition is disposed off with liberty to avail of the statutory remedy. The time spent by the petitioner in this Court from 24/03/2019 till the passing of this order would be a good ground for condonation of delay. If the petitioner prefers an application for interim relief before the Registrar (General) alongwith the proceedings to be filed within 6 (six) weeks from today, the ad-interim protection granted by this Court on 29/03/2019 would continue till 15/02/2020 or till the stay application is decided, whichever is earlier.

(Ravindra V.Ghuge, J.)