

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

WRIT PETITION NO. 6646 OF 2019

Gorakh Bhimrao Ardad ...Petitioner

Versus

The State of Maharashtra and others ...Respondents

WITH
WRIT PETITION NO. 6648 OF 2019

Savita W/o Ravindra More ...Petitioner

Versus

The State of Maharashtra and others ...Respondents

WITH
WRIT PETITION NO. 6651 OF 2019

Bhimrao S/o Shivram Ardad ...Petitioner

Versus

The State of Maharashtra and others ...Respondents

Mr. S.S. Thombre, Advocate for petitioners in all petitions.
Mr. S.R. Yadav, Asstt. Govt. Pleader for Respts. No. 1 to 3

CORAM : RAVINDRA V. GHUGE, J.

DATE : 11th JUNE, 2019

PER COURT:

1. Leave to add the Registrar General/Commissioner of

Co-operation, Maharashtra State, Pune, as respondent No.6 in Writ Petitions No. 6646 of 2019 and 6648 of 2019 and respondent No.5 in W.P. No. 6651 of 2019. The amendment to be carried out forthwith.

2. In all these petitions, the petitioners are aggrieved by the impugned orders passed by the respondent No.2/Divisional Joint Registrar, Co-operative Societies, Aurangabad, who is the authority exercising jurisdiction under Section 18(4) of the Maharashtra Money Lending (Regulation) Act, 2014 (hereinafter referred to as "The Act" for short). The petitioners claim to be in possession of the land at issue. It is contended that the order passed by the concerned authority is granted finality in view of sub-section (5) of Section 18 of the Act.

3. The learned Asstt. Govt. Pleader points out the judgment delivered by the Nagpur Bench of this Court in the matter of *Vishwanath Marotrao Ganjre Vs. Divisional Joint Registrar, Co-operative Society, Amravati, dated 28th August, 2018 in Writ Petition No. 5362 of 2017*. Based on the said judgment, it is contended that no appeal is permissible after an order is passed under section 18(4) of the Act and a statutory revision under Section 9 would be a remedy available to the petitioners.

4. I find that this Court has held in the case of ***Vishwanath Marotrao Ganjre***, (supra), in paragraphs No. 7, 8 & 9, as under:

“7. The phraseology of section 9 of the Act would indicate that the intention of the legislature is to make available the revisional remedy as a matter of right. The use of expression “suo-motu” and “on an application” would indicate the legislative intent.

8. Considering the facts of the case, the revisional remedy is an alternate and equally efficacious remedy. No case is made out for this Court to exercise writ jurisdiction.

9. The submission of the learned counsel Shri P.S. Patil is that the interim order dated 14.8.2017 be continued for three weeks to enable the petitioner to avail the statutory remedy. The submission is reasonable. The interim order is continued for a period of three weeks and shall lapse automatically on expiry of the said period. Needless to say, the revisional authority is at liberty to consider the prayer for interim relief, if made by the petitioner on its own merits.”

5. Considering the above and the fact that the petitioners are in possession of the agricultural land at issue, these petitions are disposed off by permitting the petitioners to avail of the remedy under section 9 of the Act. A revision shall be filed by the petitioners, within a period of three weeks from today. They are at liberty to move an application for interim relief, which shall be considered expeditiously by the Registrar General.

6. Since the land at issue is still in possession of these petitioners, the parties would maintain *status quo* until the application for interim relief is decided by the Registrar General. It is made clear that the Registrar General shall decide the application for interim relief within 15 days from the date of the appearance of the parties in the matter.

(RAVINDRA V. GHUGE)
JUDGE

Madkar