

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8264 OF 2019
(Shrikant Murlidhar Lohiya Vs. The State of Maharashtra and others)

Mr.A.P.Bhandari, Advocate for the petitioner.
Mr.S.R.Yadav, AGP for the respondent/State.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 12/07/2019

PER COURT :

1. The petitioner has challenged the order dated 13/05/2019 passed by the Divisional Joint Registrar.

2. The learned AGP relies upon the order passed by this Court at the Nagpur Bench dated 28/08/2018 in WP No.5362/2017 in the matter of Vishwanath Marotrao Ganjre Vs. Divisional Joint Registrar and others to contend that the petitioner has a remedy u/s 9 of the Act of the Maharashtra Money Lending (Regulation) Act, 2014. He also relies upon an order passed by this Court on 11/06/2019 in a group of 3 petitions bearing Nos.6646/2019, 6648/2019 and 6651/2019 in the matters of Gorakh Bhimrao Ardad Vs. The State of Maharashtra and others and in WP No.1688/2019, disposed off by an order dated 12/07/2019.

2. The learned Advocate for the petitioner has tried to convince the Court that Section 9 would not be an appropriate remedy and the writ jurisdiction of this Court is not barred.

3. I find from Section 9 that it is a revisional jurisdiction and limitation, per se has not been prescribed. A revisional jurisdiction as like Section 154 under the M.C.S.Act and Section 44 of the MRTU and PULP Act, 1971 is always considered to be an efficacious statutory remedy. In fact, this Court has hold in the matters of Engineering Employees Union Vs. Devidayal Rolling and Refineries Pvt.Ltd., [1986 (52) FLR 40 = 1986 Mh.L.J. 331] and Clifford Rebello Vs. Hotel Oberoi Towers [2001 III CLR 805] that a writ petition directly filed in this Court should not be considered until the revision remedy is exhausted.

4. As such, this petition is disposed off granting liberty to the petitioner to avail of the remedy u/s 9. The time spent by the petitioner in this Court from 17/06/2019 till the passing of this order, shall be a ground to be canvassed for condonation of delay in the event any such issue arises in the proceeding.

(Ravindra V.Ghuge, J.)