

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 739/2019

Miya Khan S/o Aliyar Khan & anr.

..VS..

DJR, Co-operative Societies, Amravati & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V. Sirpurkar, Advocate for the petitioner(s)
Ms. T.H. Khan, AGP for the respondent nos. 1 and 2

CORAM : Z.A.HAQ, J.

DATED : 12/02/2019

Heard.

The petitioners have challenged the order passed by the District Deputy Registrar, Co-operative Societies under Section 18 of the Maharashtra Money-Lending (Regulation) Act, 2014 (for short “the Act of 2014”) by which the authority has declared that the sale-deed executed in favour of the petitioners on 14/07/2010 is illegal as the transaction was an outcome of the money lending transaction. The petitioners have also challenged the order passed by the Divisional Joint Registrar by which the appeal filed by the petitioners under Section 18 (4) of the Act of 2014 is dismissed.

The main contention on behalf of the petitioners is that the District Deputy Registrar passed the order adversely affecting the rights of the petitioners, without serving notice on the petitioners and without granting hearing to the petitioners. This Court passed an order on 04/02/2019

directing the Assistant Government Pleader to make available the original record at the time of hearing. Accordingly, the original record is made available today.

The record shows that notices sent to the petitioners by Registered Post on their addresses were returned as they were not claimed by the petitioners. After the notices were received back by the authority, public notice was issued in the newspaper "Akola Darshan". According to the petitioners, this newspaper "Akola Darshan" is not having wide circulation and therefore, public notice issued by the authority went unnoticed by the petitioners.

The petitioners have not disputed the addresses on the envelopes in which the notices were sent and which are returned back to the authority as they were not claimed by the addressees i.e. the petitioners. The petitioners have not substantiated their contention that the newspaper "Akola Darshan" is not having wide circulation.

Apart from this, the appellate authority has recorded that in search by the police, 43 sale-deeds, 6 power of attorneys, 2 unsigned sale-deeds, 10 possession receipts, 22 agreements and 11 sale receipts of the structures and the photo copies of 90 documents i.e. 198 documents (original and photo copies) are seized by the police authorities from the house of the petitioners. The petitioners have not been able to explain as to how this large number of sale-deeds and other documents relating to various properties are seized from the house of the petitioners.

After examining the material placed on record, I am of the view that the findings recorded by the subordinate authorities are based on proper appreciation of the material on record. The petitioners have not been able to point out any illegality or perversity in the findings recorded by the subordinate authorities.

I see no reason to interfere in the matter.

The writ petition is **dismissed**. No costs.

JUDGE

Ansari