

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

48 WRIT PETITION NO.6911 OF 2018

SURAYYA SALIM PATEL  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Kulkarni Krishna K.

AGP for Respondents 1 to 3 : Shri Munde S.W.

Advocate for Respondent 4 : Shri Shinde B.A.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: February 24, 2020

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PER COURT :-

1. The petitioner has a statutory remedy by way of approaching the Registrar General (Commissioner of Cooperation) under Section 9 of the Maharashtra Money Lending Regulation Act, 2014.

2. The Honourable Apex Court has concluded in the matter of Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society [(2019) SCC ONLINE SC 1292], that the existence of a statutory remedy is "Near Total Bar" for exercising supervisory jurisdiction by the High Court under Article 227 of the Constitution of India. In yet another order, delivered on 22.11.2019 by the Honourable Apex Court, in the matter of Genpact India Private Limited Vs. Deputy Commissioner of Income Tax - Civil Appeal

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No.8945 of 2019, decided on 22.11.2019, it has been held that even an admitted petition will have to be dismissed in the wake of a statutory remedy available.

3. In view of the above, this petition is disposed off. The petitioner will be at liberty to prefer the proceedings under Section 9, on/or before 30.3.2020. If such proceedings are filed on/or before 30.3.2020, the time spent by the petitioner in this Court from 11.6.2018 till 30.3.2020 shall be a ground for condonation of delay. The protection granted by this Court by order dated 2.7.2018 shall continue till the said proceedings under Section 9 are decided or till 31.8.2020, whichever is earlier. Needless to state, the Registrar General shall decide this matter on/or before 31.8.2020.

( RAVINDRA V. GHUGE, J. )

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