

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

931 WRIT PETITION NO.5234 OF 2022

DATTU BAJIRAO KADAM DIED THROUGH LRS SUMAN
DATTATRAYAKADAM
VERSUS
SIDDRAMAPPA ANANDRAO MULE AND OTHERS

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Advocate for Petitioner : Mr. Salunke Mayur V.
Advocate for Respondent Nos. 1 & 2 : Mr. S.R. Sapkal

CORAM : MANGESH S. PATIL, J.
DATE : 22.06.2022.

PER COURT :

Heard learned advocates of both the sides. Rule. The Rule is made returnable forthwith. With the consent of both the sides the matter is heard finally at the stage of admission.

2. The respondents have preferred a proceeding under Section 18(1) of the Maharashtra Money Lending (Regulation) Act, 2014 and the Rules framed thereunder against the present petitioner. The petitioner submitted an application in that proceeding objecting to the maintainability of the proceeding on the grounds mentioned therein. Though the respondents submitted a detailed say to that application, by the order under challenge the concerned authority has rejected the petitioner's application simply by observing that he had gone through the contents of the petitioner's application, respondents' say and had considered their rival submissions. Not even a semblance of reasoning can be found in the impugned order. It is quite apparent that the concerned authority has abdicated his quasi judicial power. When he was conferred with such a power in serious matters, he was expected to have borne in mind the oft quoted principles laid down by this Court

way back in the matter of **Smt. Savitri Chandrakesh Pal Vs. State of Maharashtra & Oth; 2009(4) Mh.L.J. 406**. He seems to be oblivious of not only the principles laid down by this Court but even his own inherent powers and jurisdiction under the provisions of Maharashtra Money Lending (Regulation) Act. The order is not an order adjudicating something since it is sans any reasoning and therefore is a nullity.

3. In the circumstances, it would be appropriate to quash and set aside the order under challenge and allow the authority to decide the application preferred by the petitioner on its own merits in the light of observations made herein above.

4. The Writ Petition is allowed. The order passed by the lower authority is quashed and set aside. The matter is remitted back to him for decision afresh on the application in accordance with the observations made herein above.

5. Rule is made absolute in above terms.

6. It is informed by both the sides that the matter is before the authority tomorrow.

7. The parties shall act upon the authenticated copy of this order.

(MANGESH S. PATIL, J.)

mkd/-