

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.379 OF 2021

BALAJI BHIMRAOP LAVTE
VERSUS
THE DIVISIONAL JOINT REGISTRAR CO-OPERATIVE
SOCIETIES AND OTHERS

...
Advocate for Petitioner : Dr. R.R.Deshpande h/f. Ms. Priyanka R.
Deshpande

AGP for Respondents:

Advocate for Respondents-State: Mr. Y.G. Gujarathi

Advocate for Respondent No. 3: Mr. R.B. Deshmukh

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 25th JULY, 2022

ORDER :

1. The learned advocate for the respondents raised issue of maintainability of this petition in view of availability of alternate remedy to the petitioner. By relying on unreported decision of this Court in Writ Petition No. 5362/2017, which is followed in Writ Petition No. 8247/2018, 6612/2019 and 1000/2021, learned advocate for the respondents submits that the petitioner has alternate remedy in terms of Section 9 of Maharashtra Money Lending (Regulation) Act, 2014 (for short 'said Act').

2. The learned advocate for the petitioner strenuously urged that said remedy is not available in view of section 18(5) , by which the order passed by Divisional Registrar is final. By reading section 9 he submits that, revisionary powers of the Registrar General can be exercised in the cases where no appeal lies against such decision or order. According to him, in the present case since appeal was already filed and decided on merits, revision does not lie. In support of his submission, he placed reliance on Commissioner of Income Tax Vs. M/s. Hindustan Bulk Carriers (Appeal (Civil) No. 7966-67 of 1996).

3. This Court in Writ Petition No. 5362/2017 observed:

"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."

4. This Court is in respectful agreement with a view expressed in the above quoted order. Said decision in Writ

Petition No. 5362/2017 is being consistently followed by this Court. I find no reason to take a different view. In that view of the matter, writ petition is disposed of with liberty to the petitioner to avail alternate remedy.

5. Time spent by the petitioner in prosecuting the present writ petition shall be taken into consideration while deciding the delay condonation application.

[NITIN B. SURYAWANSHI, J.]