

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

WRIT PETITION NO.2482 OF 2022

1. Kailas Shalikrao Borode,
Aged Adult, Occ. Business.
2. Sau. Sangita Kailas Borode,
Aged Adult, Occ. Household,

Both R/o. Shanwara, Tq. Akota,
Dist. Akola.
3. Pandurang Ramrao Metkar,
Age-Adult, Occ. Business / Agriculturist.
4. Gajanan Pandurang Metkar,
Aged Adult, Occ. Business/Agriculturist.

Both 3 & 4 R/o. Khairkhed,
Tq. Akot, Dist. Akola.

..... **PETITIONERS**

...V E R S U S...

1. Registrar Money Lending, Maharashtra
State, Pune, Tq. & Dist. Pune.
2. Divisional Joint Registrar of Co-operative
Societies, Amravati.
3. District Deputy Registrar of
Co-operative Societies, Akola/District
Registrar of Money Lending, Akola
R/o. Adarsh Colony, Akola,
Tq. & Dist. Akola.
4. Assistant Registrar of Co-operative
Societies, Akot, Tq. Akot, Dist. Akola.
5. Purushottam Devrao Khanderao,
Aged about 65 years,
Occ. Agriculturist.

6. Vitthal Devrao Khanderao
Aged- Adult, Occ. Agriculturist,

Both Respondent No.5 & 6
R/o Khairkhed, Tq. Akot,
Dist. Akola.
7. Sau. Chitratai Sheshrao Thakre,
Aged about 65 years, Occ. Household,
R/o Sujatpur, Tq. Khamgaon,
Dist. Buldhana.
8. Sau. Kanhopatra Shankarrao Fukat,
Aged about 63 years, Occ. Household,
R/o Morzadi, Tq. Balapur, Dist. Akola.
9. Sau. Triguna Gowardhan Zatale,
Aged about 52 years, Occ. Household,
R/o Mothi Umri, Akola,
Tq. & Dist. Akola.
10. Sau. Nandatai Pandurang Bihale,
Aged about 50 years, Occ. Household,
R/o Warud Bihale, Tq. Telhara,
Dist. Akola.
11. Sau. Nalutai Rajesh Chatarkar,
Aged about 48 years, Occ. Household,
R/o Kapsi Talav, Tq. & Dist. Akola.
12. Sau. Malutai Sanjay Dutonde,
Aged about 47 years,
Occ. Household,
R/o. Ayodhya Nagar,
Old Balapur Naka, Akola,
Tq. & Dist. Akola.
13. Sau. Mangala Pravin Dhumale,
Aged about 68 years,
Occ. Household, R/o. Telecom Colony,
Tukaram Square, Akola,
Tq. & Dist. Akola.

..... **RESPONDENTS**

Mr. R. L. Khapre, Senior Counsel with Mr. P. A. Deshpande,
Counsel for Petitioners.

CORAM: **ROHIT B. DEO, J.**
DATE: **6th MAY, 2022.**

ORAL JUDGMENT:

The limited grievance in the petition is that in revision preferred under Section 9 of the Maharashtra Money Lending (Regulation) Act, 2014 (Act) the application for stay to the direction that possession of the agricultural field be delivered to the respondents 5 to 13, is not being heard.

2. Issue notice for final disposal.
3. Ms. T. H. Khan, the learned Assistant Government Pleader waives service for respondents 1 to 4/State.
4. Mr. V. B. Bhise, the learned Counsel waives service for respondents 5 to 13.
5. With consent the petition is finally heard.

6. It would not be necessary to consider the merit of the rival contentions. It does not appear to be in dispute that the petitioners have taken resort to the statutorily remedy of revision. The grievance of the petitioners is that the attempt to have the stay application heard early has failed since the revisional authority has not permitted the petitioners even to take the case on board. In all fairness the learned counsel Mr. Bhise who appears for the contesting respondents has no objection if the possession of the petitioner qua the agricultural field is protected till the decision in revision. However, Mr. Bhise expresses the apprehension that the petitioner may delay the proceedings taking advantage of the interim protection. This apprehension can be appropriately addressed by making the hearing time bound.

7. During the pendency of the revision the possession of the petitioners qua the agricultural field shall stand protected.

8. The revision shall be finally decided within ninety days from the appearance of the parties.

9. The parties shall appear before the revisional authority, without expecting any separate or formal notice,

on 17.05.2022 and shall abide by further instructions.

10. If the order in revision is adverse to the petitioners, the protection shall continue to operate for two weeks after the communication of the order.

11. The petition is disposed of in the aforestated terms.

JUDGE

NSN