

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

WRIT PETITION NO. 3055 OF 2022

Chandrabhagabai Keshav Kolhare & Another -- Petitioners

Vs.

Registrar General of Money Lending and others -- Respondents

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

Court's or Judge's orders

Mr. V.B. Bhise, Advocate for Petitioners

Mrs. Sangeeta Jachak, AGP for Respondent Nos.1 to 3

Mr. Kapil Deshmukh, Advocate for Respondent Nos.5 & 6

CORAM : MANISH PITALE, J.

DATE : 08th JUNE, 2022

By this writ petition, the petitioners have approached this Court in peculiar circumstances.

2. The petitioners - original complainants initiated proceedings under the provisions of the Maharashtra Money Lending (Regulation) Act, 2014 and Rules framed thereunder. The complaint filed by the petitioners was allowed by order dated 06/06/2019, passed by the District Deputy Registrar, whereby sale deeds in question were set aside and as a consequence of the said order, the petitioners were put in possession of the land in question.

3. The respondent Nos.5 and 6 being aggrieved by the order of the District Deputy Registrar have filed an appeal under the

provisions of the said Act before the Divisional Joint Registrar, Amravati. By order dated 29/04/2022, the appeal was partly allowed, the order passed by the District Deputy Registrar was set aside and the matter was remanded for consideration afresh before the said authority.

4. The petitioners have filed revision application under Section 9 of the said Act before the Registrar General along with an application for stay and also an application for grant of status quo, in the light of the fact that they continued to be in possession of the said land.

5. It appears that the revision application could not be taken up immediately due to absence of the Presiding Officer and eventually in the first week of June, when the Presiding Officer was available, the revision application along with the application for stay and application for status quo, stood adjourned to 20th July, 2022.

6. In the meanwhile, on 30/05/2022, the Talathi appears to have issued notice to the petitioners, due to which, there is apprehension that the petitioners might lose possession of the land in question during pendency of the revision application filed before the Registrar General.

7. In this backdrop, a limited relief is sought by the petitioners to the effect that till the Registrar General takes up the application for stay filed along with the revision application for consideration,

they should not be dispossessed and the status quo as on today ought to be maintained in the interest of justice.

8. Mrs. Sangeeta Jachak, learned Assistant Government Pleader has appeared on behalf of the respondent Nos. 1 to 3 and Mr. Kapil Deshmukh, learned counsel has instructions to appear for contesting respondent Nos.5 and 6.

9. Although, the learned counsel for the respondent Nos.5 and 6 vehemently opposed the prayers made in the present petition, this Court is of the opinion that limited relief sought on behalf of the petitioners can be granted in the peculiar facts and circumstances.

10. Accordingly, the writ petition is disposed of by directing that status quo as on today as regards possession in the aforesaid land shall be maintained till the Registrar General under the provisions of the said Act takes up and disposes of the application for stay filed along with the revision on behalf of the petitioner.

11. The Registrar General shall take up application for stay for consideration on 20th July, 2022, along with the revision application.

12. It is made clear that this Court has not expressed any opinion on the merits of the present case.