

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

WRIT PETITION NO.3500 OF 2020

Shrikant S/o Shivprasad Jaiswal,
Age: 75 years, Occ.: Nil,
R/o. Pusla, Tahsil: Warud,
District – Amravati.
Presently residing at Hemkalash Apartment,
Sai Nagar, Amravati,
Tahsil & Dist- Amravati. **PETITIONER**

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

1. State of Maharashtra, Through
Secretary, Department of Co-operation,
Mantralaya, Mumbai-32.
2. District Deputy Registrar,
Co-operative Society, Amravati.
3. Deputy Registrar,
Co-operative Society, Amravati,
Taluka, Tahsil & District: Amravati.
4. Shivlal S/o Nandlal Jaiswal [Dead],
Through it's Legal heirs
- 4(i). Smt. Ratnaprabha Shivlal Jaiswal
Aged about 48 years,
Occ: Household,
- 4(ii). Shankar Shivlal Jaiswal
Aged about 38 years,
Occ: Business,
- 4(iii) Ku. Vaishali Shivlal Jaiswal
Aged about 35 years,
Occ: Household,

Res. No. 4(i) to (iii) are
R/o : Pannalal Nagar, Shilangan Road,
Amravati, Tahsil & Dist- Amravati.

5. Padam S/o Manakchand Jain,
Aged about 50 Years, Occ: Business,
R/o Prabhat Colony, Shilangan Road,
Amravati, Tahsil and Dist-Amravati.
6. Dhiraj Champalal Chaalani
Aged about 45 Years, Occ: Business,
R/o Manikwada, Tahsil: Ner-Parsopant,
Dist-Yavatmal.

..... **RESPONDENTS**

Mr. C. B. Dharmadhikari, Advocate for Petitioner.
Mr. M. A. Kadu, AGP for Respondents 1 to 3/State.
Mr. S. Jagtap, Advocate for Respondent 4.
Mr. P. R. Agrawal, Advocate for Respondent 5.

CORAM: **ROHIT B. DEO, J.**
DATE: **11th MARCH, 2022.**

ORAL JUDGMENT:

Heard Mr. C. B. Dharmadhikari, the learned counsel for the petitioner, Mr. M. A. Kadu, the learned Assistant Government Pleader for the respondents 1 to 3, Mr. S. Jagtap, the learned counsel for the respondent 4 and Mr. P. R. Agrawal, the learned counsel for the respondent 5.

2. The petitioner is assailing enquiry report dated 04.08.2020 submitted by respondent 3 – Deputy Registrar, Co-operative Societies, Amravati Taluka to respondent 2 – District

Deputy Registrar, Co-operative Societies, Amravati.

3. According to the learned counsel for the petitioner Mr. Dharmadhikari the said report is submitted pursuant to a direction issued by the respondent 2 in exercise of power under Section 18 (1) of the Maharashtra Money Lending (Regulation) Act, 2014 (Act).

4. I am satisfied that there is no cause of action whatsoever for the petitioner to approach this Court.

5. The statutory scheme envisages that after the enquiry which may be conducted by the authority personally or through an Enquiry Officer, the authority shall have to pass an order under sub-section (2) of Section 18 after considering the objections raised to the report, and indeed any other relevant objection which may be raised.

6. Concededly, there is no order passed by the authority under sub-section (2) of Section 18 of the Act.

7. The petition is dismissed, leaving open every

contention raised by the petitioner, and in rebuttal by the respondent, for the authority to adjudicate in proceedings under Section 18 (2) of the Act.

8. Needless to observe, the order shall be passed after giving due opportunity to all the affected parties.

9. The petition is dismissed.

JUDGE

NSN