2024:BHC-AUG:21682

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 196 OF 2024
IN WP/14387/2019

MURLIDHAR GANPATI KEKAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Applicant : Mr. Abhijit C. Darandale
AGP for Respondents No.1 to 5 : Mr. D. J. Patil
Advocate for Respondents No.6 and 7 : Mr. M. S. Karad holding for
Mr. S. S. Thombre
...

CORAM : S. G. MEHARE, J.
DATE : 12-09-2024

PER COURT :-

1. Heard the learned counsel for the applicant, the learned A.G.P. for the State and the learned counsel for the contesting respondents.

2. The applicant had preferred writ petition before this Court against the order of respondent No.2 – the Registrar General of Money Lenders and Registrar of Co-operative Societies Aurangabad Division, Aurangabad, in Revision Petition No.20 of 2019, dated 16.09.2019, under Section 9 of the Maharashtra Money Lending (Regulation) Act, 2014 (for short, “the Act”).

3. This Court had heard the matter at length and dismissed the petition mainly on the ground that the Money Lending Registrar has no powers of revision under Section 9 of the Act.

4. This Court (Coram: Rohit B. Deo, J.) at Nagpur Bench, in the judgment of ***Vishwanath Marotrao Ganjre vs. Divisional Joint Registrar Co-operative Society, Amravati and others, Writ Petition No.5362 of 2017,*** dated 28.08.2018, in paragraph Nos.7 and 8 observed that;

> “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*.”

5. Thereafter, in view of the above judgment, the revision petitions were filed before the Registrar General of Money Lending.

6. After the judgment of ***Vishwanth Marotrao Ganjre*** (supra), the view was consistent that against the judgment in appeal under Section 18(1) and (2) against the order of the Divisional Joint Registrar, the revision lies to the Registrar General Money Lending.

7. Since the view is consistent, the normal rule is, the Court should respect the view of the co-ordinate Bench, unless there are contradicting judgments.

8. In view thereof, this Court is of the view that the review application is liable to be allowed and the impugned order of this Court dismissing the petition on the ground that the Registrar General Money Lending has no jurisdiction of revision under Section 9 of Maharashtra Money Lending (Regulation) Act, 2014, is reviewed.

9. The Review Application is allowed.

10. The impugned judgment and order of this Court in Writ Petition No.14387 of 2019 dated 24.04.2024, under review, is called back.

11. List the matter for hearing afresh before the concerned Bench.

(S. G. MEHARE)
JUDGE

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