



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

16 CIVIL APPLICATION NO. 14402 OF 2023
IN WP/12503/2023

LOTU GANPAT PATIL AND ANR
VERSUS
MAHENDRA RAMDAS GIRNARE AND ORS

...

WITH
WRIT PETITION NO. 12503 OF 2023

MAHENDRA RAMDAS GIRNARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Sonavane Narendra D.
Advocate for the Applicants in CA : Mr. Chetan T. Jadhav
AGP for Respondents/State : Mr. S.B. Narwade

...

CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 22nd January, 2024

Per Court :-

1. We have heard extensive submissions of the learned
Advocates for the respective sides.

2. Prayer clause B in the Writ Petition, reads as under:-

“B) *Issue a writ of Mandamus or any other writ
order or directions in the nature of writ of
Mandamus to hold and declare that, the*

proceedings initiated by the respondent no. 5 and 6 after 12 years under the Maharashtra Money Lenders (Regulation) Act, 2014 against the petitioner after dismissal of the Regular Civil Suit No. 32 of 2013 in respect of same sale transaction is bad void and contrary to the provisions of law and also amounts abuse of process of law.”

3. Insofar as prayer clause ‘B’ is concerned, it is undisputed that the competent Authority has dealt with this objection of the Petitioner under the provisions of the Maharashtra Money Lending (Regulation) Act, 2014. In the light of the dismissal of Regular Civil Appeal No.32/2013, it is concluded by the Authority that the proceedings are maintainable. The Divisional Joint Registrar, by the order dated 15.05.2023, remanded the matter to the District Deputy Registrar, Cooperative Societies, Jalgaon for a rehearing. This order dated 15.05.2023 is challenged by the Petitioner in prayer clause ‘C’. Hence, this petition would lie before the learned Single Judge

4. On 11.10.2023, this Court passed the order directing status-quo to be maintained and issued notices to the parties. It was lost sight of the fact that considering prayer clause ‘C’, the matter would lie before the learned Single Judge. Since prayer

clause 'B' was pressed, the petition was entertained. Considering the peculiar backdrop, as we are not entertaining prayer clause 'B', in view of the order dated 15.05.2023, this Writ Petition would not be entertained by the Division Bench of this Court. The learned Advocate for the Petitioner submits that he would work out this case before the Single Judge Bench.

5. It is brought to our notice by the Civil Application that by order dated 31.01.2023 passed by the coordinate Bench in Writ Petition No.1225/2023 (*Nandkumar Mukunda Patil and others vs. The State of Maharashtra and others*) and connected matters, status-quo as regards the possession of respective properties existing on 31.01.2023 was directed to be maintained. The Applicants in the Civil Application rely upon the panchanama dated 30.01.2023 to indicate that the competent Authorities have put the Applicants in physical possession of the lands.

6. In view of the above, we do not intend to go into these issues since we have declined to entertain prayer clause 'B' in the Writ Petition and considering prayer clause 'C', the Writ Petition would lie before the learned Single Judge Bench of this Court. Hence, status-quo as ordered by this Court vide the order

dated 31.01.2023 in Writ Petition No.1225/2023, would continue.

7. The learned Advocate for the Petitioner submits that this Writ Petition would be circulated for considering prayer clause 'C' before the learned Single Judge Bench, expeditiously. Hence, removed from our Board.

8. At the request of the learned Advocate for the Applicants, **Civil Application No.14402/2023 is disposed off.**

kps (Y. G. KHOBRADE, J.) (RAVINDRA V. GHUGE, J.)