



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 15757 OF 2023

1. Keshav s/o. Dadarao Pund,
Age 52 years, Occu. Agriculture,
2. Kachru s/o. Dadarao Pund,
Age 45 years, Occu. Agriculture,
3. Hanumant s/o. Dadarao Pund,
Age 40 years, Occu. Agriculture,

All R/o. Village Redgaon, Tq. Kalamnuri,
District Hingoli

.. Petitioners

Versus

1. The State of Maharashtra
Through its Secretary,
Co-operative and Textile Department,
Mantralaya, Mumbai-32
2. The Registrar General and
Special Registrar, Co-operative Societies,
Maharashtra State, Central Building,
Pune-1
3. The Divisional Joint Registrar,
Co-operative Societies,
Aurangabad Division, Aurangabad
4. The District Deputy Registrar,
Co-operative Societies,
Old Collector Office Premises,
Akola Road, Hingoli, District Hingoli
5. The Assistant Registrar,
Co-operative Societies, Kalamnuri,
Administrative Building, Tahsil Office,
Kalamnuri, Taluka Kalamnuri,
District Hingoli
6. Mukinda s/o. Balaji Pawar,
Age 34 years, Occu. Agriculture,
R/o. Village Redgaon, Taluka Kalamnuri,
District Hingoli

7. Uttam s/o. Damaji Pawar,
Age 58 years, Occu. Agriculture,
R/o. Village Redgaon, Tq. Kalamnuri,
District Hingoli,
At present : Sudarshan Nagar,
N-11, HUDCO, Aurangabad,
District Aurangabad

.. Respondents

Mr. Govind R. Ingole, Advocate for the Petitioners;
Mr. R. R. Tandale (Choure), AGP for Respondents No.1 to 5;
Mr. K. J. Suryawanshi, Advocate for Respondents No.6 and 7

CORAM : S. G. MEHARE, J.

DATE : 04-01-2024

PER COURT :-

1. Heard the learned counsel for the petitioners, learned A.G.P. for respondents No.1 to 5 and the learned counsel for respondents No.6 and 7.

2. It is the contention of the petitioners that respondent No.7 Uttam s/o. Damaji Pawar had made a complaint of illegal money lending transaction to respondent No.4/the District Deputy Registrar, Co-operative Societies, Hingoli under the provisions of Maharashtra Money-Lending (Regulation) Act, 2014. The complaint was dismissed up to respondent No.2, the Registrar General and Special Registrar, Co-operative Societies, Maharashtra State, Pune. However, after dismissing the said complaint, again a fresh complaint has been filed by adding a party, namely, Mukinda s/o. Balaji Pawar (respondent No.6). Petitioners had received notice from the office of respondent No.5 Assistant Registrar, Co-operative Societies, Kalamnuri. It is a vehement argument of the

learned counsel for the petitioners that the issue has been decided finally. Only a new party has been added. It is an abuse of the process of law.

3. Learned counsel for respondents No.5 and 6 submits that applicant Mukinda was not a party to the earlier proceedings. Hence, his right was not dealt with.

4. Considering the arguments of both side, the petitioners should approach before respondent No.4/the District Deputy Registrar, Co-operative Societies, Hingoli and point out the earlier decision and pray for dismissal of the application, if they satisfy the authority. If the authority comes to conclusion that there is no substance in the application/complaint, then it may impose heavy cost. It is a question of fact. Hence, the order;

ORDER

- (i) Writ petition stands disposed of.
- (ii) The petitioners should approach to the authority, i.e. respondent No.4/the District Deputy Registrar, Co-operative Societies, Hingoli, making an inquiry of illegal money-lending business.
- (iii) Respondent No.4 shall decide the application if filed by the petitioners objecting tenability of the application in view of earlier decision, with cost, if any.

(S. G. MEHARE)
JUDGE