



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

WRIT PETITION NO. 1524 of 2018

Ramadevi Rameshrao Agrawal
Aged about 51 years, Occ-Agriculturist,
R/o. Near Mukul Talkies,
Dhamangao Rly, District Amravati. .. Petitioner.

Versus.

1. Namdevrao Shankarrao Gawande.
Aged about 67, Occ-Agriculturist,
R/o. Virtual (Ronghe), Dhamangao Rly. Dist. Amravati.
2. Assistant Registrar, Cooperative Society,
Dhamangao Rly., District Amravati.
3. District Registrar (Co-operative Societies),
Amravati, Office at Kanta Nagar Camp, Amravati. .. Respondents.

Mr. Alok Daga, Advocate for petitioner.
Mr. Mahesh Rai, Advocate for respondent no.1.
Mr. S. M. Ghodeswar, Assistant Government Pleader for respondent nos. 2 &
3.

CORAM :- BHARATI DANGRE AND ABHAY J. MANTRI, JJ.

DATE :- 7th OCTOBER, 2024

ORAL JUDGMENT (Per BHARATI DANGRE, J.)

Rule. Rule made returnable forthwith.

By the order dated 03.09.2024, this Court specifically formulated an issue for determination as to whether on the order passed by the Divisional Joint Registrar, Co-operative Societies, against the order passed by the Assistant Registrar, Co-operative Societies, a review can be sought under guise of an appeal.

Our attention is invited to Annexure-G, page 32, to the petition i.e. communication dated 30.11.2017 issued by the Assistant Registrar, Co-operative Societies, who issued notice and directed the parties to

remain present along with necessary documents.

2. On hearing the learned counsel for the petitioner, we have noticed that the order was passed by the Assistant Registrar, Co-operative Societies on the application preferred by one Namdev Gawande under Sections 16 and 17 of the Maharashtra Money Lending Regulation Act, 2014 and finding no substance in the application, the proceedings were filed.

Being aggrieved, an appeal was preferred before the District Deputy Registrar (Money Lending), District Cooperative Societies, Amravati and this appeal was also rejected by upholding the findings recorded by the Assistant Registrar.

3. Mr. Rai, learned counsel representing the respondent no.1 concede that there is no power to review as the order has been passed by the high ranking authority i.e. District Deputy Registrar, Co-operative Societies. Since we are of the opinion that unless and until a statute confers power of review, the power cannot be exercised and that too, by an authority whose order has been upheld by the high ranking authority.

4. In the wake of the above position emerging on perusal of the pleadings in the writ petition and the arguments advanced before us by the contesting respondents, the writ petition is allowed in terms of prayer clause (1), which reads thus:

“(1) Quash and set aside the notice dated 30.11.2017 at Annexure G and H issued by the respondent no.2 Assistant

Registrar, Cooperative Society, Dhamangaon Rly and quashed and set aside the proceeding which is pending before the respondent no.2 Assistant Registrar, Cooperative Society, Dhamangaon Rly as per notice dated 30.11.2017 at Annexure G and H.”

5. Rule is made absolute as above. No order as to costs.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE , J.)

Andurkar.