



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

WRIT PETITION NO. 1916 OF 2024

1 Kailas Kisan Dhole, **PETITIONERS**
Aged 45 years, Occ. Agriculturist,

2 Kisan Jairam Dhole,
Aged 70 years, Occ. Agriculturist,
Both R/o Awadha, Taluka Nandura,
Dist. Buldhana

VERSUS

1 The Registrar General of Money Lenders **RESPONDENTS**
and Additional Commissioner,
Cooperative Society, M.S. Pune.

2 Divisional Joint Registrar, Co-Operative
Society, Amravati, Tq. and Dist. -
Amravati

3 District Deputy Registrar, Co-operative
Society, Tq. and District – Buldhana.

4 Tahsildar, Nandura, Dist. Buldhana.

5 Shankar Narhari Gonge,
Aged Adult, Occ. Money Lender,

6 Shrikrushna Narhari Gonge,
Aged Adult, Occ. Money Lender,
Both R/o Nimgaon, Taluka Nandura,
Dist. Buldhana

Mr. V.B. Bhise, Advocate for petitioners
Mr. K.R. Lule, AGP for Respondent Nos.1 to 4

CORAM : BHARAT P. DESHPANDE, J.

DATE : 22nd MARCH, 2024

ORAL JUDGMENT

Rule. Rule is made returnable forthwith. Heard with consent at the admission stage.

2. The short question which is raised in the present petition is in connection with inaction on the part of the revisional authority / respondent No.1 in not deciding the said application, which was filed along with the revision as provided under Section 9 of the Maharashtra Money Lending (Regulation) Act, 2014.

3. The contention of the petitioners is that they have filed complaint before the respondent No.3, challenging that the transaction is hit by the Money Lenders Act. The said complaint was decided by the respondent No.3 on 21/09/2023. By this order, the respondent No.3 declared that the sale transaction is null and void and also directed to revert the mutation entries and possession is also handed over to the petitioners.

4. The respondent Nos.5 and 6 filed an appeal before the respondent No.2 – Divisional Jt. Registrar, Amravati. While deciding such appeal No.5/2023 (page 60), it was partly allowed and the matter is remanded to the respondent No.3 – District Deputy Registrar, Buldhana.

5. The petitioner challenged such remand order passed by the respondent No.2 by filing revision under Section 9 of the said Act and also prayed for stay of the order passed by the respondent No.2. The respondent No.1 i.e. Registrar General of Money Lenders and Additional Commissioner, Co-operative Society, Pune, though issued notice vide notice dated 22/02/2024, failed to consider the stay application. Even on the day when the respondent Nos.5 and 6 appeared, the matter was simply adjourned without considering the stay application.

6. In the meantime, the respondent No.3 vide letter dated 07/02/2024, directed the respondent No.4 to cancel the mutation entries effected in favour of the petitioners and to restore it in the name of the respondent Nos.5 and 6.

7. The learned counsel for the petitioners submitted that even though the said application is filed, the respondent No.1 failed to decide such stay application, which is substantially rejecting such prayer.

8. The present petition could be disposed of without issuing notice to the remaining respondents by giving direction to the respondent No.1 to decide the said application within a period of 15 days from the date of receipt of the copy of this order.

9. Similarly, respondent Nos.3 and 4 are directed not to take any coercive action of reversing the mutation entries till disposal of said application.

10. In view of above observations, the petition stands disposed of in above terms with directions to respondent No.1 to decide stay application within 15 days. No costs.

11. The parties to act on the authenticated copy of this order.

12. Rule is made absolute in above terms.

(BHARAT P. DESHPANDE, J.)

MP Deshpande