



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

WRIT PETITION NO.3969 OF 2024

(Kailas Kisan Dhole and one .vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Shantanu Khedkar, Advocate a/w Mr. VB. Bhise, Advocate for Petitioners,
Ms. Prachi Joshi, Additional Government Pleader for Respondent Nos.1 to 4 & 7,
Mr. R.L. Khapre, Senior Advocate assisted by Mr. Deepak Patil, Advocate for Respondent Nos.5 and 6.

CORAM : N.R. BORKAR, J.
DATE : 16/07/2024.

Heard.

2. This petition takes exception to the order dated 18.06.2024 passed by the respondent no.2 in Revision Application No.14/2024.
3. The petitioners herein had filed an application under the provisions of the Maharashtra Money Lending (Regulation) Act, 2014 before the respondent no.4. By order dated 21.09.2023, respondent No.4 has allowed the said application and directed the respondent Nos.5 and 6 to deliver the possession of lands in question to the petitioners.

4. Respondent Nos.5 and 6 being aggrieved by the order passed by respondent No.4, filed appeal before respondent No.3 – the Divisional Joint Registrar. By order dated 25.01.2024, respondent No.3 has allowed the appeal filed by the respondent Nos.5 and 6 and remanded the matter back to respondent No.4 for deciding it afresh.

5. The petitioners being aggrieved by the order of respondent No.3, filed the revision before respondent No.2. By the order impugned, respondent No.2 has dismissed the revision as not maintainable in view of the judgment of this Court dated 24.04.2024 in Writ Petition No.14389/2019 along with other connected petitions.

6. The learned counsel for the petitioners has drawn my attention to a judgment of this Court dated 28.08.2018 in Writ Petition No.5362/2017. It is submitted this Court in the said judgment has held that revision under Section 9 of the Act against the order passed in appeal under Section 18 of the Act is maintainable. It is submitted that the judgment in Writ Petition No. 5362/2017 was not pointed to this Court while deciding Writ Petition No.14389/2019 and, therefore, matter needs to be referred to Division Bench or Larger Bench.

7. On the other hand, the learned Senior Counsel for contesting respondents submits that, the revision was filed against the order of remand and therefore present petition may not be entertained.

8. Considering the fact that the order of remand was impugned in the revision and, therefore, I am not inclined to entertain the present petition. However, from the documents annexed to the petition at page Nos. 74 to 77, it appears that pursuant to order of the respondent no.4, the petitioners got possession of lands in question. Therefore, the parties shall maintain status-quo till the decision of the matter by respondent no.4.

9. The writ petition is disposed of in aforesaid terms.

(N.R. BORKAR, J.)_