



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

WRIT PETITION NO. 4453 OF 2024

(Smt. Chandrabhagabai Keshav Kolhare & Anr.

Vs.

The State of Maharashtra, Thr. its Principal Secretary, Co-operative Marketing and Textile Department, Mantralaya, Mumbai & Ors.)

Office Notes, Office Memoranda
of Coram, Appearances, Court's
orders or directions and
Registrar's orders

Court's or Judge's orders

Mr. V.B. Bhise, Advocate for the Petitioners.
Mr. Aalap Palshikar, AGP for the Respondent Nos.1 to 4/State.
Mr. K.V. Deshmukh, Advocate for the Respondent No.7/Caveator.

CORAM: N.R. BORKAR, J.

DATED : 2nd AUGUST, 2024

Heard.

2. This Petition takes exception to the order dated 04.06.2024 passed by the Respondent No.2 in Revision Application No.46/2022.

3. The Petitioners herein had filed an application under the provisions of Maharashtra Money Lending (Regulation) Act, 2014 (for short the "Act of 2014") before the Respondent No.4. By order dated 06.06.2019, the Respondent No.4 has allowed the said application and directed the Respondent Nos. 6 and 7 to deliver the possession of lands in question to the Petitioners.

4. The Respondent Nos. 6 and 7 being aggrieved by the order passed by Respondent No.4, filed appeal before the Respondent No.3/Divisional Joint Registrar. By order dated 29.04.2022, the Respondent No.3 has allowed the appeal filed by the Respondent Nos. 6 and 7 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 the Respondent No.2. By the order impugned, the 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 alongwith other connected Petitions.

6. The learned Counsel for the Petitioners has drawn my attention to the judgment of this Court dated 28.08.2018 in Writ Petition No. 5362/2017. It is submitted that, this Court in the said judgment has held that revision under Section 9 of Act of 2014, against the order passed in appeal under Section 18 of the Act of 2014, is maintainable. It is submitted that, the judgment in Writ Petition No. 5362/2017 was not pointed out to this Court while deciding Writ Petition No.14389/2019, and therefore, the matter needs to be referred to learned Division Bench or Larger Bench.

7. On the other hand, the learned Counsel for the contesting Respondent Nos. 6 and 7 submits, that the revision was filed against the order of remand, and therefore, the 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. 44 and 45, it appears that, pursuant to the 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 Respondent No.4, shall endeavour to decide the matter in question as expeditiously as possible & in any case within a period of six months from the date of receipt of the copy of this order.

10. The Petition is **disposed** of in the above terms.

11. Pending application/s, if any, shall stand disposed of accordingly.

(N.R. BORKAR, J.)