



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

WRIT PETITION No.6914 OF 2023

Mohan s/o Bansilal Bhutada

Age : 60 years, Occ – Agri & Business,

R/o. Jategaon, Tq. Gevrai,

Dist. Beed.

..Petitioner

Versus

1. The State of Maharashtra
Through its Principal Secretary,
Co-operative Department, Mantralaya,
Mumbai – 32.
2. The Registrar General Money Lending
and Commissioner for Cooperation
Registrar Co-operative Society,
Maharashtra State, Pune.
3. The Divisional Registrar,
Co-operative Societies, Latur
Division, Latur.
4. The District Deputy Registrar,
Co-operative Societies, Beed.
Tq & Dist. Beed.
5. Balaji S/o. Omkar Pawar
Age : 55 years, Occu. Agri.,
R/o. Jategaon, Tq. Gevrai,
Dist. Beed.

..Respondents

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Advocate for the Petitioner : Mr. N.B. Narwade
AGP for Respondent Nos.1 to 4 : Mr. P.D. Patil
Advocate for Respondent No.5 : Mr. V.P. Sawant

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JUNE 16, 2025

ORDER :-

1. The petitioner impugns order dated 10.05.2023 passed
by the Registrar General Money Lending and Commissioner for

Cooperation Registrar Co-operative Society, Maharashtra State, Pune in Revision Application No.41 of 2021, thereby upholding order dated 25.03.2021 passed by the Divisional Joint Registrar, Co-operative Societies, Latur in Appeal No.8 of 2020, and order dated 15.01.2020 passed by the District Deputy Registrar, Co-operative Societies, Beed in Complaint No.6 of 2017 holding that sale deed dated 27.01.2012 executed in favour of petitioner by respondent no.5 is null and void being money lending transaction.

2. The respondent no.5 executed sale deed bearing No.420 of 2012 dated 27.01.2012 in respect of agricultural land bearing survey no.85 situated at Village Jategaon, Tq. Gevrai, District Beed in favour of petitioner. In pursuance of said sale deed, mutation entry was certified. On 09.08.2019, petitioner transferred the said land in favour of one Pradip Sahebrao Turukmare by way of registered sale deed. The respondent no.5 filed complaint under the provisions of the Maharashtra Money Lending (Regulation) Act, 2014 alleging that the sale transaction dated 27.01.2012 was money lending transaction. In pursuance of aforesaid complaint, inquiry was conducted under Section 16 of the Act by Assistant Registrar, Co-operative Societies at Gevrai, who submitted his report dated 07.04.2017 suggesting that the sale deed in question was money lending transaction. Eventually, the District Deputy Registrar allowed Complaint No.6 of 2017 declaring the sale deed dated 27.01.2012 as null and void and

directed to hand over possession of land in favour of complainant/original land owner i.e. respondent no.5. The aforesaid order was unsuccessfully assailed in appeal before Divisional Registrar Co-operative Societies, Latur, so also before the State Government in revision filed under Section 9 of the Act of 2014.

3. Mr. Narwade, learned advocate appearing for petitioner by inviting attention of this Court to mutation entry submits that immediately after execution of sale deed, the mutation was effected in favour of petitioner. He was in possession of property till he transferred the same in favour of Pradip Sahebrao Turukmare under sale deed dated 09.08.2019. According to Mr. Narwade, there is nothing on record to show that the petitioner is involved in money lending business or the present transaction was money lending as alleged. According to him, only because the petitioner has purchased various lands under different sale deeds, inference cannot be drawn that he is involved in money lending business. Mr. Narwade would rely upon observations of this Court in the case of **Sojarbai w/o Chandrakant Kakde Vs. The Registrar, Money Lending Additional Commissioner and Others in Writ Petition No.7736 of 2024** decided on 25.07.2024.

4. Per contra, Mr. Sawant, learned advocate appearing for respondent no.5 supports impugned judgments and orders. Mr. Sawant submits that multiple transactions between the petitioner and

small land holders clearly depicts that he is involved in money lending business. The competent authorities under Money Lending Act have recorded concurrent findings on aforesaid issue on appreciation of evidence. As such, no interference is called for in writ jurisdiction of this Court.

5. Having considered the submissions advanced, it can be observed that there is no dispute that the petitioner got sale deed dated 27.01.2012 in respect of land admeasuring 49 R from survey no.85 situated at Village Jategaon from respondent no.6. Eventually, the mutation was effected. In pursuance of complaint of respondent no.6, inquiry under Section 16 of the Act of 2014 was conducted by Assistant Registrar Co-operative Societies at Gevrai. The report of inquiry reveals that the petitioner was indulged into multiple transactions of sale and purchase of agricultural lands and on close scrutiny of those transactions, it can be noted that the lands transferred in the name of petitioner have been repatriated either to original land holders or the relatives or family members after shorter duration. The aforesaid entry of transaction certainly smacks of money lending business. Apart from aforesaid fact, during inquiry it was revealed that the possession of agricultural land continued with respondent no.6 even after execution of sale deed in the year 2012. Although Mr. Narwade tries to impress upon this Court that mutation entry is substantive evidence as to handing over of possession,

however, inquiry report suggests that the land was under cultivation of respondent no.6. He took various crops even after execution of sale deed and produced receipts of sale of agricultural produce. Pertinently, in the year 2016 the petitioner transferred the land in favour of one Pradip Sahebrao Turukmare. The said person has not intervened at any time in the present proceeding.

6. One more aspect is observed during inquiry that respondent no.5 has paid electricity bills for electricity connection in the year 2015 and also supplied sugarcane to Jaibhavani Sahakari Sakhar Karkhana, Gevrai for the period from 2017 to 2018. A panchnama is drawn by competent authority on 05.10.2019, statements of adjacent land holders are recorded which depicts that respondent no.6 was continuously cultivating the suit land. Conversely petitioner could not demonstrate that he was actually put in possession of the land in pursuance of sale deed dated 27.01.2012. Apparently finding as recorded by competent authorities under Money Lending Act are based on appreciation of evidence and does not call for interference in exercise of writ jurisdiction.

7. In result, writ petition sans merit. Hence, dismissed.

(S.G. CHAPALGAONKAR, J.)