



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

WRIT PETITION NO.9821 OF 2018

YAMNAJI GANPAT MHASKE.

...PETITIONER

-VERSUS-

THE DIVISIONAL JOINT REGISTRAR,
COOPERATIVE SOCIETIES AND OTHERS.

...RESPONDENTS

...

Shri A.K. Gawali, Advocate for the Petitioner.

Ms. R.R. Tandale, AGP for Respondent Nos.1 to 3/State.

Shri U.A. Bhadgaonkar, Advocate for Respondent Nos.4 to 6.

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CORAM : PRAFULLA S. KHUBALKAR, J.

Reserved on : 30th June, 2025

Pronounced on : 10th July, 2025

FINAL ORDER :-

1. Heard Advocate Shri A.K. Gawali, learned counsel for the petitioner, Advocate Ms. R.R. Tandale, learned AGP for respondent Nos.1 to 3 and Advocate Shri U.A. Bhadgaonkar, learned counsel for Respondent Nos.4 to 6.

2. The petitioner has taken exception to the order dated

20.05.2015 passed by respondent No.3 Assistant Registrar, Cooperative Societies and Money Lending, Parner, District Ahmednagar; order dated 31.05.2016 passed by respondent No.2 District Registrar (Money Lending) and Deputy Registrar, Cooperative Societies, Ahmednagar and order dated 26.02.2018 passed by respondent No.1 Divisional Joint Registrar, Cooperative Societies (Money Lending), Nashik Division, Nashik.

3. The petitioner raised grievance under the provisions of the Maharashtra Money Lending (Regulation) Act, 2014 (for short, hereinafter referred to as 'the Act') before respondent No.3 by way of an application dated 17.06.2014 by which, the petitioner prayed for setting aside the conveyance deeds in favour of respondent Nos.4 to 6 in view of Section 18 of the Act. The petitioner has alleged that the petitioner was in possession of the lands in question and the conveyance deeds in respect of the said lands were required to be set aside in view of provisions of Section 18(2) of the Act. On rejection of the application, the instant petition is filed.

4. Regarding maintainability of this petition, a

preliminary objection is raised by learned AGP as well as learned counsel for respondent Nos.4 to 6 about availability of alternate remedy in view of the provisions of Section 9 of the Act which provides for revisional jurisdiction of the Registrar General under the Act.

5. Learned advocate Shri Gawali for the petitioner advanced arguments to meet the preliminary objection and submitted that this is a case of absence of licence and hence, it is not covered by Section 9 of the Act. He submitted that the issues with respect to grant or refusal of licence or about alleged breach of licence, can only be considered under Section 9 of the Act and hence, the instant petition is maintainable. In support of his submissions, he referred to the provisions of Section 15 of the Act, to contend that the powers of the Registrar General and other authorities are bifurcated with that of the District Registrar of Cooperative Societies and the issue about grant or refusal of licence, can only be subject matter of revision under Section 9 of the Act.

6. Opposing the contentions raised by learned advocate for the petitioner, Advocate Ms. R.R. Tandale, the learned AGP

vehemently submitted that in view of provisions of Section 9 of the Act, the petitioner has an alternate efficacious remedy and the instant petition is not maintainable. In support of her submissions, she relied upon the judgments in the matters of (a) ***Pramod Girdharilal Malani vs. Vanmala Ramdas Kapse and others, 2024 SCC Online Bom 934***, (b) ***Taherkhan Pathan vs. The Divisional Joint Registrar and others***, Writ Petition No.3606/2018, decided on 06.01.2020, Nagpur Bench (unreported), and (c) ***Vishwanath Marotrao Ganjre vs. Divisional Joint Registrar and others***, Writ Petition No.5362/2017, decided on 28.08.2018, Nagpur Bench (unreported). She submits that in view of the position of law as clarified by the judgment in ***Vishwanth Ganjre (supra)***, the revisionary powers can be exercised by the Registrar General either ‘*suo motu* or on an application’. She would, therefore, submit that the controversy of the instant case related to total absence of licence, can also be considered by the Revisional Authority and on this count, she strongly opposed the contentions advanced by the petitioner.

7. As regards the contentions of the petitioner that in

view of Section 15 of the Act, the powers of the Registrar General are bifurcated with that of the District Registrar, it is pertinent to note that Section 15 provides for conferring powers of Civil Court on the particular authorities with respect to specified matters. These powers are with respect to enforcing the attendance of persons and examining them on oath or compelling the production of documents and similar such powers. There is no bifurcation or any distinction about powers with the Registrar General or the District Registrar. As such, the arguments of the counsel for the petitioner in this regard, are not acceptable.

8. Considering the facts of the case and the position of law as laid down in ***Vishwanath Ganjre (supra)***, which is followed in the matters of ***Taherkhan Pathan (supra)*** and ***Pramod Girdharilal Malani (supra)***, there is no reason to deviate and to take a different view. I am, therefore, of the considered view that the revisional remedy under Section 9 of the Act is an alternate and equally efficacious remedy available to the petitioner and the controversy about grant or refusal of licence, so also, the controversy involved in this case can be put forth before the revisional authority.

9. In view of the above, no case is made out for exercise of writ jurisdiction. Writ Petition is dismissed. No order as to costs.

10. However, it is made clear that the issues raised on merits are not decided and the petitioner is at liberty to raise all factual and legal issues before the revisional authority. In case, the petitioner approaches the revisional authority under Section 9 of the Act, the petitioner is entitled to raise the issue about contesting the instant petition from 2018 in this court, to demonstrate sufficient cause for seeking condonation of delay, if any.

kps

(PRAFULLA S. KHUBALKAR, J.)