



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1028 WRIT PETITION NO. 8429 OF 2023

SHANKAR ABARAO SAWANDKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COOPERATIVE
DEPARTMENT AND OTHERS

...
Advocate for the Petitioners : Mr. Kulkarni Sanket S.
AGP for Respondent Nos. 1 to 5 & 7/State : Mr. V.S.Badakh
Advocate for Respondent No. 6 : Mr. Suryawanshi Kamlakar J.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 17.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of present petition, the petitioners are assailing the order dated 10.05.2023 passed by respondent No. 7- the Registrar General of Money Lenders, Pune, whereby, it partly allowed the Revision filed by respondent No. 6 thereby, remanding the matter to the District Deputy Registrar, Hingoli to decide it afresh.
3. Leaned Counsel for the petitioner Mr.Kulkarni, submits that respondent No. 7 being a revisional authority, while exercising revisional jurisdiction under Section 9, was not supposed to exercise the jurisdiction vested upon it in arbitrary manner without recording reasons, thereby, remanding the matter to the District Deputy Registrar. In support of his contention he relied upon the law laid down by the Hon'ble Apex Court in **Kranti Associates Pvt. Ltd. And Ors. Vs. Masood**

Ahmed Khan and Ors. reported in (2010) 9 SCC 496, particularly on paragraph Nos. 51 which is reproduced herein below :

“ 51. Summarizing the above discussion, this Court holds that

a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

b) A quasi-judicial authority must record reasons in support of its conclusions.

c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

e) Reasons reassure that discretion has been exercised by the decision maker on relevant groups and by disregarding extraneous considerations.

f) Reasons have virtually become as indispensable and component of a decision making process as observing principles of natural justice by judicial, quasi judicial and even by administrative bodies.

g) Reasons facilitate the process of judicial review by superior Courts.

h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the life blood of judicial decision making justifying the principle that reason is the soul of justice.

i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

j) *Insistence on reason is a requirement for both judicial accountability and transparency.*

k) *If a judge or a quasi judicial authority is not candid enough about his/her decision making process than it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.*

l) *Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or 'rubber-stamp reasons' is not to be equated with a valid decision making process.*

m) *It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision making not only makes the judges and decision makers less prone to errors but also makes them subject to broader scrutiny.*

n) *Since the requirement to record reasons emanates from the broad doctrine of fairness in decision making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See (1994) 19 EHRR 553, at 562 para 29 and Anya Vs. University of Oxford 2001 EWCA Civ 405, wherein the Court referred to Article 6 of European Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions".*

o) *In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "Due Process".*

4. He further points out that the Deputy District Registrar, Co-Operative Societies and the Divisional Joint Registrar, Co-Operative, Aurangabad have considered the inquiry report and passed detailed orders after considering all averments.

5. Per Contra, learned Counsel Mr. Suryawanshi for

respondent No. 6 and the learned AGP Mr. Badakh for respondent/State support the order passed by respondent No. 1.

6. It needs to be considered that the object of the Maharashtra Money-Lending (Regulation) Act, 2014 (for short “the Act”) is to protect the interest of poor agriculturists from their exploitation at the hands of illegal money lenders.

7. Section 15 of the Act contemplates that the authorities have powers of Civil Court to conduct inspection. Section 17 provides provision for disposal of properties pledged with money lenders carrying on business of money lending without valid license. Section 18 contains provisions for return of immovable property acquired in course of money lending.

8. Pursuant to the complaint filed by respondent No. 6 an inquiry was initiated and the inquiry officer while conducting inspection collected undated stamp papers and stated in his report that there is possibility that transactions were related to money lending business. Respondent No. 7 has recorded finding that the District Deputy Registrar and Divisional Joint Registrar have not considered the inquiry report and therefore, it remanded back the matter to the District Deputy Registrar.

9. Therefore, I do not find any reason to interfere with the order dated 10.05.2023 passed by respondent No. 7- the Registrar General of Money Lenders, Pune, under Article 227 of the Constitution of India.

10. In view thereof, the Writ Petition is dismissed. No order as to cost.

(SIDDHESHWAR S. THOMBRE, J.)

mahajansb/