



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

WRIT PETITION NO. 7037 OF 2024
WITH CIVIL APPLICATION NO. 8884 OF 2024 IN WP/7037/2024

UMAKANT RAJESHWAR BHADEKAR
VERSUS
THE REGISTRAR GENERAL AND ADDITIONAL COMMISSIONER AND
SPECIAL REGISTRAR AND OTHERS

...
Advocate for the Petitioner : Mr. Sudhir K. Chavan
AGP for Respondents No.1 to 4 : Mr. N. S. Tekale
Advocate for Respondents No.5(1 to 8) : Mr. K. J. Suryawanshi
...

CORAM : MANJUSHA DESHPANDE, J.

DATE : 25-04-2025

PER COURT:-

1. Heard the learned Advocate for the petitioner, the learned A.G.P. for the State and the learned Advocate for the contesting respondents.
2. The petitioner has challenged the order of respondent No.1 - the Registrar General and Additional Commissioner and Special Registrar (Co-operative Societies), Maharashtra State, Pune, passed in Revision Application No.76 of 2022 dated 29.05.2024, under Section 9 of the Maharashtra Money Lending (Regulation) Act, 2014 (for short, "said Act").
3. It is contention of the petitioner that respondent No.5 -

Govindrao s/o. Champatrao Pole executed registered sale deed No.4174 of 2005 of agricultural land 2 Acre (80R) situated at village Nandgaon, Taluka Aundha (Nagnath) Dist. Hingoli, in favour of petitioner on 05.07.2005. Thereafter, respondent No.5 filed complaints on 02.07.2018 and 26.11.2018 respectively alleging that the said sale transaction was in fact a money lending transaction.

4. Pursuant to the complaint, a full-fledged enquiry was conducted. After the inquiry and hearing the respective parties, respondent No.3 - the District Registrar (Money Lending) and District Deputy Registrar, Co-operative Societies, Aurangabad passed the order on 28.02.2022, thereby rejecting the complaint of respondent No.5 declaring the sale transaction valid.

5. The Contesting Respondents preferred Appeal No.17 of 2022 before respondent No.2 - the Divisional Joint Registrar (Co-operative Societies), Aurangabad Division at Aurangabad. The respondent No. 2, partly allowed the Appeal and remanded the matter back to take fresh decision to respondent No. 3 vide order dated 28.10.2022. Being aggrieved by the said order, the petitioner has preferred Revision Application No.76 of 2022 before respondent No.1/authority which was disposed of by respondent No.1 by order dated 29.05.2024, holding that respondent No.1

does not possess the power to entertain Revision application in view of the decision of this Court in Writ Petitions No.14389 of 2019, 14387 of 2019 and No.254 of 2020, which were decided by order dated 24.04.2024.

6. It is contention of the petitioner that he has preferred present writ petition challenging the order passed by respondent No.1. Incidentally during the pendency of present writ petition, the order passed by this Court which is referred to by respondent No.1 in his order, has been reviewed by this Court in the case of ***Murlidha Ganpati Kekan vs. The State of Maharashtra and others, Revision Application (Civil) No.196 of 2024***, dated 12.09.2024, wherein it is observed thus ;

“8. In view thereof, this Court is of the view that the review application is liable to be allowed and the impugned order of this Court dismissing the petition on the ground that the Registrar General Money Lending has no jurisdiction of revision under Section 9 of Maharashtra Money Lending (Regulation) Act, 2014, is reviewed.”

7. Accordingly, the order in Writ Petition No.14387 of 2019 dated 24.04.2024 has been recalled.

8. Learned Advocate for the petitioner further placed reliance on the order passed in Review Application (Civil) No.196 of 2024 in Writ Petition No.14387 of 2019. This Court has disposed of the

writ petition by setting aside the order passed by respondent No.1 by holding that the Revision is maintainable before respondent No.1 and accordingly, the matter is remanded back to respondent No.1. The petitioner, therefore, contends that the facts and grounds of objection, on the basis of which, respondent No.1 has refused to entertain the Revision Application filed by present petitioner does not survive in view of the order passed by this Court, a similar relief can be granted by remanding the matter to respondent No.1.

9. Mr. Suryawanshi, learned Advocate for contesting respondents does not dispute that since there is an order passed by this Court permitting maintainability of Revision before the Respondent No. 1, it would be appropriate to matter remand back.

10. In view of the above facts, the Writ Petition is partly allowed.

11. The impugned order passed by Respondent No. 1 on 29.05.2024 in Revision Application No. 76 of 2022 is quashed and set aside.

12. Revision Application No.76 of 2022 stands restored to its original position.

13. Respondent No.1 is directed to decide Revision as early as possible, preferably within four months from today.

14. Learned Advocate for the petitioner has further requested that Civil Application No.8884 of 2024 in the present petition was filed by the petitioner during pendency of proceeding. This Court has been pleased to protect the petitioner by order dated 28.08.2024, thereby directing that the District Deputy Registrar should keep in abeyance the proceeding for a period of four weeks from the date of order and the said *interim* relief has been continued from time to time. In view of the same, the *interim* relief granted by this Court in Civil Application No.8884 of 2024 shall continue to operate till the disposal of the Revision.

15. Parties shall cause appearance before respondent No.1 on 30.05.2025 and co-operate in disposal of the pending proceeding.

16. In view of the above, pending civil application stands disposed of.

[MANJUSHA DESHPANDE]
JUDGE

rrd