



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2923 OF 2024

Umakant Shivling Kalshetti
Age : 62 Years, Occu : Agriculture,
R/o. Makni, Ta. Lohara,
District Osmanabad

...PETITIONER

VERSUS

1. The Registrar (General),
Money Lending And Additional &
Special Registrar, Co-operative
Societies, Maharashtra State,
Central Building, Pune.
2. The Divisional Joint Registrar,
Co-operative Societies,
Latur Division, Latur.
3. The District Deputy Registrar,
Co-operative Societies, Osmanabad.
4. The Assistant Registrar,
Co-operative Societies, Osmanabad.
District Osmanabad.
5. Kishor Gurupadappa Hudge,
Age : Major, Occu : Business,
R/o. Makni, Tq. Lohara,
District Osmanabad

...RESPONDENTS

- Mr. Urgunde Suhas P, Advocate for the Petitioner.
- Mr. S. D. Ghayal, Addl. GP for Respondent – State.
- Mr. V. P. Latange, Advocate for Respondent No.5.

CORAM : AJIT B. KADETHANKAR, J.

DATE : MARCH 10, 2026

JUDGMENT :

1. Heard. Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, heard finally at the admission stage.

2. An appeal under Section 9 of the Maharashtra Money-Lending (Regulation) Act, 2014, bearing Appeal No.11 of 2022, was filed by the present petitioner before the Registrar (General), Money Lending and Additional and Special Registrar, Co-operative Societies, Maharashtra State, Pune. The subject matter of the property was land admeasuring 0.86 R situated in Survey No.77-C of Village Makni, Taluka Lohar, District Osmanabad. The respondents caused their appearance in the matter and, after hearing all the parties the said proceedings came to be decided by order dated 12th January 2024 by the said Authority.

3. Mr. Urgunde, learned counsel for the petitioner would submit that thereafter, without giving any notice to any party as also without at the instance of an party to the litigation, the same authority passed another order on 23rd January 2024 in the same matter, whereby clauses 2 and 3 of the operative part of the order dated 12th January 2024 were substantially modified. Mr. Urgunde, learned

counsel for the petitioner was at pains to address me that the modification has caused substantial changes in the original order. He would submit that despite whether there is provision for such modification/revision/review of the order, in any case the said authority ought to have given at least a notice to all the parties of the main litigation. Mr. Urgunde, learned counsel for the petitioner repeats that the modification in clause 2 and 3 (supra) has substantially changed the original order itself. As such, he prays that the writ petition be allowed and the impugned order dated 23rd January 2024 passed by the Registrar (General), Money Lending and Additional and Special Registrar, Co-operative Societies, Maharashtra State, Pune be quashed and set aside.

4. Mr. Latange, learned counsel for original respondent No.4, who is present respondent No.5, however justifies the modification caused by the concerned authority. He would submit that while passing the subsequent order dated 23rd January 2024, the Authority has candidly observed that the modification was needful in view of the typographical mistake committed while passing the earlier order. Mr. Latange, submits that if paragraph No.9 of the first order dated 12th January 2024 is keenly seen, the modification caused by the concerned

authority vide second order dated 23rd January 2024 stands justified. In view of this, he would submit that this Court may not interfere in the modification caused by the concerned Authority vide order dated 23rd January 2024.

5. Suffice it to observe, Mr. Latange, in all fairness would submit that the said modification is not undertaken either on the request of his client or at the instance of any party to the litigation. Mr. Ghayal, learned AGP in the circumstances adopts the arguments advanced by Mr. Latange.

6. Mr. Latange, learned counsel for respondent No.5 and Mr. Ghayal, learned AGP however advocate the modification caused by the concerned Authority and would submit that there is necessity to cause such modification. They submit that, it may not be a case of modification but it might be a case of correction.

7. I have heard the respective counsel extensively. With the able assistance of the learned counsel for the parties, I have gone through the pleadings, annexed documents, as well as reply affidavit on record. The first order dated 12th January 2024 was passed by the authority after giving an opportunity of hearing to all the parties. It is

an admitted fact that the modification in the order dated 12th January 2024 is not caused at the instance of any party. If both the orders are compared, it is apparently clear that there is substantial modification in clause 2 and 3 of the operative part, and the modification rather creates an altogether different impact of its own.

8. Learned AGP as also Mr. Latange, learned counsel for respondent No.5, could not point out under which provision the said authority was competent to cause such modification. It is also a matter of fact that no notice for causing such modification was issued by the concerned Authority to either party, nor an appropriate opportunity was given to any party. In these circumstances, in my considered view that the impugned order needs to be quashed and set aside.

9. In view of this, I pass following order.

ORDER

- A) The Writ Petition stands allowed.
- B) The impugned order dated 23rd January 2024 (Exhibit "C" page No.58) is quashed and set aside.
- C) The respondents in the proceedings may avail appropriate remedy as is available in law, to file

appropriate proceedings for causing for the corrections in the order dated 12th January 2024, if they so desire.

- D) If such application is filed, a due notice shall be served on the present petitioner with an opportunity to oppose such application.
- E) The concerned Authority shall decide the application as per law.

10. Rule is made absolute in above terms.

(AJIT B. KADETHANKAR, J.)