IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 3528 OF 2026

Rohan Machindra Choure & others ....Petitioners

VERSUS

The State of Maharashtra & others .....Respondents

Mr. C. T. Jadhav, Advocate for the Petitioners.
Mr. A. M. Phule, AGP for the State.

CORAM : SMT VIBHA KANKANWADI
& AJIT B. KADETHANKAR, JJ.
DATE : 28th APRIL, 2026.

PER COURT :

1. Not on board. Taken on board.

2. Heard learned Advocate for the Petitioners.

3. The Petitioners have come with a case that they are having 9 acres non-agricultural land and 7 acres agricultural land in two villages. Out of said lands, 13 acres land was mortgaged to a bank for the purpose of loan. At the time of initial loan, the Government valuation of the 13 acres property was Rs. 5,00,00,000/-. Therefore, the bank orally offered loan of Rs. 5,00,00,000/- in various stages. However, according to the Petitioners, the bank did not consider the request of the Petitioners that the market value of the land is 3 times

of the Government ready reckoner rates. Pravara Co-operative Bank Limited had disbursed amount of Rs. 1,00,00,000/- by executing registered mortgage deed dated 12.05.2017 and amount of Rs. 80,00,000/- (both for machinery) by executing document on 30.11.2017. According to the Petitioners, while snatching nearby all the land from the Petitioners out of the said mortgage property, the bank has left 20 R land from Gat No. 14/1 in the name of Petitioner No. 3. According to the Petitioners, they have spent around Rs. 167.74 Lacs out of the disbursed amount of Rs. 1.80 Crores plus GST of 18% for the machinery. The rest of the expenses were borne by the Petitioners. However, they were in need of further amount of Rs. 3,00,00,000/-. The bank had not disbursed the said amount which was sanctioned by letter dated 11.06.2019. Because of the same, for want of overhead (business running) capital, the Petitioners could not start the factory. The bank started recovery of the said loan from the year 2018 and had obtained certificate under Sections 101 and 156 of the Maharashtra State Co-operative Societies Act on 03.07.2019. Upset price of Rs. 4.65 Crores was fixed for entire mortgaged property. When the said property was put to auction, three times nobody turned out to purchase the same. Petitioners are contending that since the bank has not provided them essential part of the fund, they were unable to start the factory which then prompted them to approach private persons to raise the amount. Petitioners approached Respondent Nos. 4 and 5. Respondent No. 4 paid amount of Rs. 20,00,000/- in cash to the bank officers to stop the auction proceeding on 28.05.2022. Respondents executed registered mortgage deed of the property in favour of the same bank on 14.06.2022 for getting disbursement of Rs. 2,90,00,000/- in their favour. The said amount granted as loan to Respondents came to be deposited in the Petitioners' loan account. Petitioners thereafter raised complaint about the money lending on 14.01.2025. However, the competent authority/Respondent No. 3 has not registered the complaint immediately. Respondents are trying to grab the entire property of the Petitioners which led them to file Civil Suit bearing RCS No. 74/2025 in respect of the suit properties collectively. According to the Petitioners, Respondent Nos. 4 to 7 with the connivance of the bank officers on the day which they had transferred the loan without possession on 14.06.2022, though had knowledge, yet supported or trying to support each other. This has led the Petitioners to file Complaint No. 1040/2025 before the competent authority under the Maharashtra Money Lending (Regulation) Act, 2014. In the said complaint, the Petitioners had prayed for interim protection. However, by communication dated 06.03.2026, the competent authority informed that there is no such provision to grant interim protection. Hence, the Petitioners hare before this Court.

4. Learned Advocate for the Petitioners has taken us through the documents and submits that the Petitioners were required to approach the District Sub-Registrar, Ahilyanagar under Section 18 of the Maharashtra Money Lending (Regulation) Act and Rule 17 made thereunder for taking action against the Respondents therein for carrying out illegal money lending business. Surprisingly, when the provisions of the Act are clear that interim protection can be granted, still by the impugned order, the concerned authority has stated that it has no jurisdiction to grant interim injunction as prayed. He relies on the decision in Nitin Nandkumar Patil & another vs. State of Maharashtra, Writ Petition No. 4874/2023 decided on 26.04.2023 thereby the interim protection was granted with a direction to decide the appeal. Further, in case of Padma Vitthalrao Dhok vs. District Deputy Registrar, Cooperative Societies, Amravati, Writ Petition No. 2779/2025 with companion matters, the Single Judge of this Court at Nagpur on 25.11.2025, in similar state of facts when the

application was moved for temporary injunction and it was rejected on the ground that there is no such provision, directed the parties to maintain status quo and further directed the District Deputy Registrar, Cooperative Societies, Amravati to decide the proceeding under Sections 18(1) and 18(2) of the Act, within stipulated period.

5. Here, it is to be noted that Section 18 of the Maharashtra Money Lending (Regulation) Act deals with return of immovable property acquired in the course of money lending. It provides that if on the basis of facts disclosed during verification under Section 16 or inspection under Section 17, or by an application from a debtor or otherwise, the District Registrar has reason to believe that any immovable property, which has come in possession of the money-lender by way of sale, mortgage, lease, exchange or otherwise, within a period of 15 years from the date of verification or the inspection or the date of receipt of application from debtor, then the District Registrar may, himself or through an inquiry officer, to be appointed for the purpose, hold further inquiry and after holding inquiry as per Section 18(1) if the District Registrar is satisfied that the immovable property came in possession of the money lender as a security for loan advanced by the money-lender during the course of money-

lending, the District Registrar may, notwithstanding anything contained in any other law for the time being in force, after recording the reasons, can declare the instrument or conveyance as invalid and in that event may order restoration of possession of the property to the debtor. Sub-section (4) of Section 18 prescribes that any person aggrieved by the order or decision of the District Registrar under sub-section (2) may, within one month from the date of order or decision, appeal to the Divisional Registrar, provided that the Divisional Registrar may admit the appeal after expiry of the period of one month, if the appellant satisfies him that he had sufficient cause for not preferring the appeal within the period. That means, the provision of appeal has been prescribed under the enactment itself. When question was asked to the learned Advocate for the Petitioner as to why the Petitioners have not approached the competent authority under appeal, he submits that the Petitioners would prefer such appeal.

6. Here, two things are emerging from the fact. The Petitioners have approached the Civil Court by filing Regular Civil Suit No. 74/2025 and yet the Petitioners have also taken recourse by filing complaint No. 1040/2025 which is stated to be under Section 18(1)

and (2) of the Maharashtra Money Lending (Regulation) Act. Therefore, when there is efficacious alternate remedy available, as well as the remedy by way of civil suit has been sought, we do not take this to be a fit case where we would exercise powers under Article 226 of the Constitution of India. The facts of this case would differ the facts in the case of Nitin (supra) as in the said case appeal was preferred. Stay application in that appeal was not decided and therefore, the Petitioners therein had approached this Court with a request to maintain status quo. This Court, in that event, disposed of the writ petition by directing the appellate authority to decide the appeal and till the decision of the appeal, status quo was ordered. Now, as regards the order passed by the Single Judge in case of Padma (supra), certainly, the facts appear to be similar when Respondent No. 2 therein had passed the similar order stating that it has no authority to pass such order, yet the Court had not considered Section 18(4) of the Maharashtra Money Lending (Regulation) Act. Therefore, we find no merit in the present petition. Petition, therefore, stands dismissed.

(AJIT B. KADETHANKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

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