

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.1183 OF 2015

Vishal Subhash Thakur

Petitioner

Versus

The Union of India and others

Respondents

Mr.V.D.Hon, Sr. Advocate h/f  
Mr.S.C.Yeramwar advocate for the petitioner  
Mr. Anand Bhandari, advocate for Respondent No.2  
Mr. S.B. Deshpande, GP for respondent No.1

CORAM : R.M. BORDE &  
P.R. BORA, JJ

Dated : 3<sup>rd</sup> February, 2015.

PER COURT :-

1 The petitioner is taking exception to the order passed by the Petroleum Company on 19.1.2015, rejecting his candidature for appointment as a dealer for retail sale of petroleum products.

2 The candidature of the petitioner has been rejected on the ground that the petitioner does not fulfill the requisite criteria prescribed under the Regulations, in respect of possession of premises for godown purpose, either of his ownership or taken on lease basis.

3 The petitioner contends that, he has secured premises on lease basis, from the municipal council for a period of 15 years or 30 years, as the case may be. It is not disputed that the lease executed in favour of the petitioner does not satisfy the requirements laid down under section 92 of the Maharashtra Municipal Councils, Nagar Panchayats & Industrial Townships Act, 1965. The relevant provisions stipulate that, no council shall transfer any of its immovable property, without sanction of the State Government.

4 In the instant matter, petitioner is unable to place on record the sanction of the State Govt. approving the lease of the property in his favour. In absence of the sanction of the State Government, the transfer cannot be construed as valid, within the meaning of section 92 of the Act, 1965. Apart from this, the alleged lease deed relied upon by the petitioner is not registered one. Section 17 of the Registration Act prescribes that, the document of lease shall compulsorily be registered and in absence of registration of the document, the consequences as enumerated under section 49 of the Act, 1908 are attracted. Section 107 of the Transfer of Property Act also stipulates that, the lease of property exceeding one year, shall be registered with the registering authority. The

proviso to section 107 provides for grant of exemption by the State in respect of registration of the lease. However, petitioner is unable to point out any exemption granted by the State in respect of lease, on behalf municipal council. Since the petitioner does not fulfill the guidelines laid down by the Petroleum Company for appointment as a dealer for retail sale of petroleum products, We do not find any error in the decision taken by the petroleum Company, rejecting the candidature of the petitioner.

5 The petition is devoid of substance and hence rejected.

(P.R. BORA, J)

(R.M.BORDE, J)