

We have heard the learned counsel for the respective parties. It is submitted by Mr. Salunke, the learned counsel for the petitioner that, the basic objection raised by the petitioner even before the Grievance Committee was that, plot offered by the respondent No. 3 i. e. gut No. 206 was not upto two (2) kilometers of the Dhoki-Murud road as per the advertisement. The advertisement was specific in that regard. According to the learned counsel, the petitioner had filed certificate showing that the land of the petitioner is within two kilometers from the bus stand of the Dhoki village and the land of the respondent No. 3 is

beyond the land of the petitioner. However, the Grievance Committee on the erroneous count that, the retail outlet was to be allotted from Dhoki upto Murud has rejected the complaint of the petitioner.

2. Mr. Shah, the learned counsel for the respondent No. 3 submits that, the lands of the petitioner and the respondent No. 3 are adjacent to each others. It is nowhere stated that, said two kilometer from Dhoki to Murud road should be from the bus stand of Dhoki village. The authorities have rightly considered the same. The respondent No. 3 has secured the highest marks. The retail outlet has already been commissioned by the respondent No. 3 pursuant to the letter of intent given by the respondent No. 2.

3. It is trite that, this Court would not sit in appeal over the decision of the Grievance Committee, but it would only consider the decision making process and also as to whether decision arrived at is in accordance with the advertisement. The advertisement states that, the site is from Dhoki to Murud upto two kilometers. How the two kilometers are to be calculated, it is for the authorities to consider the same. If the authorities in the order would have come to the conclusion about the site of the present respondent No. 3 is situated within two kilometers as per the advertisement, we would not have entertained the writ petition. However, order of the Committee states that, as per the

advertisement site is from Dhoki to Murud. The observation of the Committee does not appear to be in consonance with the advertisement. No doubt, the lands of the petitioner and the respondent No. 3 are situated in village Dhoki itself. Whether, it would be within two kilometers as per the advertisement or not was required to be considered by the Committee. The document placed on record by the respondent No. 3 is also issued by the authority stating that his land is within two kilometers from the Dhoki bus stand. It was for the authorities to consider the same while deciding the objection. We are remitting the matter back to the authorities solely for the reason that, the impugned order nowhere states that site/land of the respondent No. 3 is located on Dhoki-Murud road upto two kilometers, as per advertisement.

4. In the light of the above, we pass following order.

5. The authority i. e. the Grievance Committee shall reconsider the objection of the petitioner with regard to the situation of the site of respondent No. 3 afresh in consonance with the advertisement issued. It is made clear that, we have not given any finding on merits. All contentions of respective parties are kept open. The writ petition accordingly is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 16