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

WRIT PETITION NO. 10348 OF 2016

**RUKHMAJI NIVRUTTI BEMBADE
VERSUS
INDIAN OIL CORPORATION INDIAN OIL BHAWAN MUMBAI AND
OTHERS**

**...
Advocate for Petitioner : Bora Satyajit S.
AGP for Respondents: Mr.P.S.Patil for R.3 and 4
Adv.Mr.A.P.Bhandari for R.1 and 2.**

...

**CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 06/07/2017

PER COURT :-

1] Having heard both sides and perusing the Writ Petition, annexures and the affidavit, we are unable to assist the petitioner in writ jurisdiction. We cannot determine the size, the dimensions and the area much less the requirement of the petroleum corporation for commencing or setting up of a retail outlet. If the specifications as set out in the advertisement are not adhered to then, the petitioner's only remedy is to approach the corporation which has issued advertisement and request its officers to grant relaxation. It may be that the petitioner is not responsible for the area getting reduced. It may be that the petitioner is the only eligible applicant who can be allotted the retail outlet, Eventually all decisions have to be taken by the Corporation. If the public sector corporation is unable to deviate from the stipulation or condition in the advertisement, then, in writ

jurisdiction we cannot override that decision of the public sector corporation. It is not a matter of any legal or vested right with regard to which we can issue a writ of mandamus. We cannot substitute our opinion with that of the experts in the field. We do not find any error or infirmity in the decision of the Corporation not to relax the conditions about the area and the measurement. The decision is not lacking in bonafides either. In such circumstances, the Writ Petition is devoid of merits and it is dismissed. No costs.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

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