

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2930 OF 2018

Ajay s/o Shivshankar Chitte

Petitioner

Versus

The State of Maharashtra
& another

Respondents

Mr. G.G. Kadam, advocate for petitioner.

Mr. C.S. Kulkarni, A.G.P. for respondent no. 1.

Mr. A.P. Bhandari, advocate for respondent no. 2.

CORAM : R.M.BORDE &

K.K. SONAWANE, JJ.

DATE : 19th MARCH, 2018

PER COURT:

1. Application tendered by petitioner for setting up LPG dealership outlet in the rural area has been turned down by the petroleum company for the reason that the petitioner has offered the land which was offered by his brother simultaneously.

2. Petitioner tendered application for allotment of LPG dealership on 28.09.2017 and has offered the land out of survey no. 105/23. Prescribed fees has been paid by mode of debit card on the same date at 16.32 hours whereas the brother of petitioner by name Vijay tendered another application on 28.09.2017 indicating the very same land for the purpose of establishing LPG godown. Prescribed fees has been paid by him on the very same day by mode of debit card and the transaction time is 17.06 hours.

It appears that both the brothers tendered online application simultaneously and it is difficult to believe that one brother is unaware of tendering of application by the another brother. In all probabilities, the debit card that has been used for making payment of prescribed fees is the same. It appears that brother of petitioner obtained the land from his paternal aunt under a deed of consent notarised on 19.09.2017. Petitioner contends that he has been allotted the plot by his brother by executing consent deed. Petitioner thus claims that he has tendered the application on the strength of consent deed executed by his brother allotting the land. The property offered by both the brothers is one and the same.

3. Guideline prescribed by the petroleum company i.e. clause no. 9.1.10(h) prescribes that same piece of land cannot be offered by more than one applicant for a particular location against the advertisement. In case it is found at any stage that the same piece of land for godown or same piece of land for showroom has been offered by more than one applicant for the same location of the advertisement, then all such applications would be rejected or if selection has been done, then the same would be cancelled. In view of aforesaid clause, the petitioner as well as his brother are not entitled to participate in the process.

4. In the circumstances, the request made by petitioner for issuance of direction to the petroleum company to consider his application does not deserve to be entertained in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. Petition stand rejected.

5. Pending civil application, if any, does not survive and stands disposed of.

K. K. SONAWANE
JUDGE

R.M.BORDE
JUDGE

dyb