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

**WRIT PETITION NO.4144 OF 2018**

Ahmed s/o Mohib Syed,  
Age: 44 years, Occu: Agri.,  
R/o Kranti Chowk, Parbhani,  
Tq. & Dist. Parbhani ..PETITIONER

VERSUS

1. The Union of India
2. The State of Maharashtra  
(deleted as per Court's  
order dtd.24/4/2018)
3. Indian Oil Corporation Ltd.,  
Indian Oil Bhawan, B.K.C.,  
Plot C-33, G-Block,  
Bandra-Kurla Complex,  
Bandra (East), Mumbai-0051,  
Through its Deputy General  
Manager (Retail Sales)
4. Senior Divisional Retail Sales  
Manager, Indian Oil Corporation  
Ltd., Aurangabad Divisional Office,  
Indian Oil Bhawan, Plot No.99,  
Jyoti Nagar, Aurangabad-431 005
5. Kailash s/o Digamber Golait,  
Age; 40 years, Occu: Agri.,  
R/o. Dr. Dagdu hospital,  
near Main Road, Manwat,  
Tq. Manwat, Dist. Parbhani ..RESPONDENTS

Mr Milind M. Patil (Beedkar), Advocate for  
petitioner;

Mr D. G. Nagode, Advocate for respondent No.1;

Mr A. P. Bhandari, Advocate for Resp.Nos.3 & 4;

Mr M.P. Tripathi, Advocate for respondent No.5

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**CORAM : PRASANNA B. VARALE &  
RAVINDRA V. GHUGE, JJ.**

**DATE : 11<sup>th</sup> SEPTEMBER, 2018**

**ORAL ORDER :**

Heard Mr. Patil, learned Counsel appearing for the petitioner at length.

2. The petitioner is before this Court challenging the communication dated 28<sup>th</sup> March, 2018 issued by the authority of respondent No.3 i.e. Indian Oil Corporation Limited ( hereinafter referred to as, 'IOC Ltd.,' for the sake of brevity). The grievance of the petitioner is respondent-IOC Ltd., issued a publication in the newspaper daily 'Lokmat' dated 28<sup>th</sup> October, 2014 including applications from the interested persons and the parties for appointing retail outlet dealers. The petitioner was interested to seek his claim insofar as the place namely on National Highway No. 222 between K.m. Stone of 438 to 439 from Manvat to Parbhani at left side, District

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Parbhani. The petitioner being interested candidate in open category in response to the advertisement submitted his application along with necessary details. Respondent No. 5 was also one of the interested candidate. By communication dated 4th March, 2015 ( copy of the same is placed on record at Exhibit-G), IOC Ltd., called upon the petitioner to remain present before the authority with required documents.

3. The submission of Mr. Patil, learned Counsel appearing for the petitioner is, as the proposal of the petitioner was completed in all respect, the petitioner was called upon and the petitioner was having every hope of positive order in his favour. Mr. Patil, learned Counsel invited our attention to the communication dated 4<sup>th</sup> August, 2016. He submitted that the petitioner came to know that in stead of petitioner, respondent No. 5 was selected. Mr. Patil then submitted that proposal of respondent No.5 ought not have been entertained by the IOC Ltd., as proposal of

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respondent No.5 was having certain deficiencies. He then submitted that a detailed representation was submitted in the form of grievance/complaint to the Divisional Manager of IOC Ltd., on 19<sup>th</sup> September, 2016 and grievance/complaint of the petitioner was turned down without assigning any reason and without giving any opportunity of hearing to the petitioner, by communication dated 28<sup>th</sup> March, 2018. The submission of Mr. Patil, learned Counsel is, such a course adopted by respondent IOC Ltd., is neither acceptable nor sustainable.

4. Mr. Patil, learned Counsel then invited our attention to certain documents placed on record. He then submitted that a partition deed was effected between brothers namely respondent No.5 and his brother Padmakar. Copy of the said partition deed is placed on record. It is then submitted by Mr. Patil that out of area of 88 Are, by way of partition deed, respondent No. 5 was allotted southern area to the extent of 44 Are, whereas his brother Padmakar was allocated and

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allotted rest of 44 Are area to the northern side. It was only submission that as per partition deed, these two brothers were owner and possessor of their respective shares to the extent of 44 Are and they had no concern in the area allotted to them respectively. Mr. Patil then submitted that respondent – IOC Ltd., refers to the verification of the area and copy of the lay out which was placed on record annexed to affidavit in reply filed on behalf of IOC Ltd.

5. The submission of Mr. Patil, learned Counsel is, sketch refers to the area which is more than 44 Are and if the partition deed is considered, area in the sketch fails to match with the area in the partition deed. With these submissions, Mr. Patil, learned Counsel appearing for the petitioner prays for quashing and setting aside the order impugned in the petition.

6. Per contra, Mr. Bhandari, learned Counsel appearing for respondent Nos. 3 and 4 submitted

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that inbuilt mechanism is provided under the guidelines of IOC Ltd., to consider the grievance and it is known as grievance redressal mechanism. Mr. Bhandari, learned Counsel by inviting our attention to the affidavit in reply submitted that the authorities of IOC Ltd., undertook exercise of verification of the documents. On the assessment of the documents and on the basis of physical verification of the land and on the basis of sketch prepared by the authorities, redressal mechanism forum of IOC Ltd., could not find any favour with the petitioner. Accordingly, the application was rejected.

7. Now, considering the nature of the redressal forum, it is purely inbuilt mechanism provided under the guidelines of IOC Ltd. This forum cannot be equated either with quasi judicial authority or appellate authority so as to impress upon this Court to say that grant of opportunity of hearing is must and necessary. If this is acceptable position, we are unable to accept the

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submission of Mr. Patil, learned Counsel appearing for the petitioner that there is a breach of principle of natural justice as no opportunity of hearing is granted to the petitioner.

8. If mechanism forum guided by the guidelines undertaken exercise as per modalities of either assessment of record or physical verification of either side, no fault can be found with this exercise merely on the ground raised by the petitioner that there is a breach of principle of natural justice. Thus, the first limb of submission of Mr. Patil, learned Counsel appearing for the petitioner is meritless.

9. The second ground raised by the petitioner that there is certain variance in respect of land on the backdrop of partition deed. Now, this submission leads asking this Court to entertain a petition on the disputed question of facts, whether partition deed was effected between the parties, when it was effected, what was the effect of the

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partition deed, whether land referred to in partition need is actual location which is referred to in the sketch drawn by a authority in the personal verification.

10. All these are disputed question of facts and by no stretch of imagination, this Court can go into all these disputed facts in a petition filed by the petitioner merely challenging the communication issued by the IOC Ltd., without there being any right created in favour of the petitioner or any mandate of law so that the petitioner can seek issuance of a writ by exercising extraordinary powers of this Court.

11. Though Mr. Patil, learned Counsel appearing for the petitioner submitted that reasons are not assigned in the communication impugned in the petition on the material placed before us by the IOC Ltd., in the form of affidavit in reply and the documents annexed to it, we are also unable to accept this submission of Mr. Patil.

12.           Considering all the above referred facts, we are of the opinion that the petition is devoid of merits and deserves to be dismissed and accordingly the same is dismissed.

**(RAVINDRA V. GHUGE)**  
**JUDGE**

**(PRASANNA B. VARALE)**  
**JUDGE**

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