

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4397 OF 2018

Avadhut s/o Dnyanoba Solanke

Petitioner

Versus

Indian Oil Corporation Ltd.
& another

Respondents

Mr. S.K. Chavan, advocate for petitioner.

Mr. A.P. Bhandari, advocate for both respondents.

**CORAM : R.M.BORDE &
A.M. DHAVAL, JJ.**

DATE : 7th JUNE, 2018

PER COURT:

1. Heard.
2. Petitioner is objecting to the communication dated 09.04.2018 issued by respondent no. 2 - Chief Area Manager, Indian Oil Corporation Ltd., turning down the claim of petitioner for appointment as dealer for retail sale of petroleum products at Daithana, Dist. Parbhani.
3. The reason for turning down the claim of petitioner is that the land offered by him bearing gat no. 596 as an alternate land for the show room firstly does not stand in the name of petitioner and the petitioner has relied upon a notarised document for substantiating his ownership through his father.
4. Petitioner claims that there was a family arrangement

between the members of the family and the property in question has been allotted to his father on 03.10.2017. It is claimed that name of the petitioner has been registered in the record of Village Panchayat. The contention raised by petitioner is not acceptable for the reason that the document relied upon by petitioner for substantiating ownership of his father is a consent deed executed on 03.10.2017 and the same is unregistered one. Petitioner claims that since the property belongs to his father, he, being the son, falls within the definition of 'owner' and as such, his claim need not be turned down.

5. It must be understood that even father of petitioner cannot be treated as owner of the property on the basis of unregistered document. As such, petitioner cannot claim entitlement through his father. Apart from this, reliance placed by petitioner on the notarised document for substantiating his claim of ownership is also not acceptable in view of the decision of the Honourable Supreme Court in the matter of Bharat Petroleum Corporation Ltd. and other Vs. Swapnil singh in Special Leave to Appeal (Civil) No. 6928-6929 of 2015 decided on 8th September, 2015.

6. For the reasons aforesaid, no interference is called for in the petition. Petition is devoid of substance hence stands rejected.

A. M. DHAVALÉ
JUDGE

R.M.BORDE
JUDGE