

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

WRIT PETITION NO. 9549 OF 2016

Ashok s/o. Nagnath Rode & Anr. .. Petitioners

Versus

The Union of India & Ors. .. Respondents

Mr.A.N. Kakade, Advocate for the petitioners.

Mr.S.S. Deve, Advocate for respondent No.1.

Smt.Anjali Dube (Bajpai), Advocate for respondent No.2&3.

Mr.U.R. Awate h/f. Talekar & Associates, Advocate for respondent No.4.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.**

DATED : 30.08.2018

P.C. :-

1. Respondent No.4 is awarded with LPG Dealership by respondent Nos.2 and 3. The petitioner had also applied for the said LPG dealership.

2. According to Mr. Kakade, learned Counsel for the petitioner, the list of eligible candidates selected in the draw was published. Name of respondent No.4 was not included in it. Subsequently, respondent No.4 is

considered as selected. Learned Counsel submits that the ground for initial rejection of candidature of respondent No.4 was that in the affidavit, respondent No.4 had mentioned that she is married and name of spouse was also mentioned; whereas land offered for show-room and godown was standing in the name of her father. Since respondent No.4 was married and the father is not a Member of the family unit as per the definition of family unit defined under multiple dealership norms, respondent No.4 was held to be ineligible.

3. Learned Counsel submits that respondent No.4 erroneously and fraudulently represented respondent Nos. 2 and 3 that she was not married and was in live-in-relationship with Pritisen Laxmanrao Kamble from 2008 and during the live-in-relationship gave birth to a male child on 13.03.2010. Respondent No.4 falsely represented that she got married with Pritisen Laxmanrao Kamble on 10.11.2013. Learned Counsel submits that even husband of respondent No.4 had applied and given his status as

married with respondent No.4. The complaint has not been considered by the respondents correctly.

4. Smt. Dube, learned Counsel for respondent Nos. 2 and 3 submits that respondent Nos.2 and 3 have taken decision on the basis of material available before them. The marriage certificate was produced to the effect that the marriage has taken place on 10.11.2013 i.e. after the last date for application to be filed pursuant to the advertisement.

5. Mr.Awate, learned Counsel submits that respondent No.4 has filed an affidavit detailing the correct facts. Moreover, the grounds raised by the petitioner do not go to the root of the matter. Eventually the land was gifted by the father to respondent No.4. Respondent No.4 has been issued with the letter of intent and has invested almost an amount of Rs.1 crore.

6. We have considered the submissions canvassed by the learned Counsel for the respective parties. The petitioner has placed before us an application given by husband of respondent No.4, namely Pritisen Laxmanrao Kamble to the Chief Officer, Municipal Council, Parali Vaijnath. In the said application, it is stated that in the application for registration of marriage, the date of marriage is inadvertently written as 10.11.2013. However, his marriage has been performed on 08.05.2009 and after the marriage a son, by name, Aryan was born on 13.03.2010. Copy of the application is placed on record along with affidavit sworn before the Notary.

7. In the writ jurisdiction we would not investigate upon the correctness of the applications placed before us. However, if the contents of the application so placed along with affidavit in the present writ petition with regard to the date of marriage as submitted by husband of respondent No.4 are true and correct, same would amount to fraud for the purpose of

acquiring LPG dealership. Such conduct can never be approved. It needs to be deprecated.

8. It would be proper for respondent Nos. 2 and 3 to consider the documents which are placed in the present writ petition (Page Nos.149 to 150-B) and shall consider the record of the Municipal Council, Parali and thereafter take appropriate decision after hearing the petitioner and respondent No.4 with regard to LPG dealership of respondent No.4. The same shall be considered and decided preferably within four months.

9. With these directions, the writ petition stands disposed of. No costs.

[S . M . GAVHANE , J .]

[S . V . GANGAPURWALA , J .]