

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

WRIT PETITION NO. 12113 OF 2016

**VIJAY ATMARAM AKOLKAR
VERSUS
THE UNION OF INDIA AND OTHERS**

Mr.C.K.Shinde, Advocate for the petitioner.
Mr.S.B.Joshi, AGP for respondent/State.
Smt.Anjali Dube (Bajpai), Advocate for R 2 to 5.
Mr.J.R. Patil h/f. Mr.G.B. Rajale, Advocate for R-6.

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

DATED : 21.08.2018

P.C. :-

1. Mr. Shinde, learned Counsel for the petitioner submits that pursuant to the advertisement issued by the respondents, the petitioner applied for the retail outlet at Karanji village on National Highway No.222. The candidature of the petitioner is rejected on erroneous ground. There is no intersection of road within 300 meters of the land of the petitioner. The respondents have not properly considered the location of the land. The map is also placed on record, which shows that at the distance of more than 300 meters, there is no

intersection nor any road or high-way. The unauthorized road is made out, which would not debar the candidature of the petitioner. Learned Counsel submits that even the complaint filed by the petitioner is not properly considered. The petitioner was not given opportunity of hearing before the Grievance Committee.

2. Smt. Dube, learned counsel for respondent Nos.2 to 5 submits that there is approach road adjacent to the land of the petitioner. In view of clause 4.5.1 of the norms for location, lay-out and access to fuel station, along National Highway, the petitioner's land is not suitable and could not have been considered.

3. The petitioner had filed complaint before the Grievance Cell. In the said complaint dated 10.10.2016, he had specifically stated that the road constructed besides his approach land is private road and unauthorized road. It is contended that the approach road has been created by the land holders to go to his

land. Even if same is accepted, clause 4.5.1 of the norms referred to supra, even prohibits such land for being considered for allotment of retail lay-out. It states that there should not be intersection with rural road/approach road to private/public property within distance of 300 meters.

4. In the light of above, no error was committed by rejecting candidature of the petitioner. The writ petition is as such disposed of. No costs.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]