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

WRIT PETITION NO. 5022 OF 2019

Irshad S/o Hameed Khan
Age 29 years, Occu.Business
R/o House No. 1-12-1022, Pirburhan Nagar,
Lane No.20, Nanded

..PETITIONER

VERSUS

1. Indian Oil Corporation Limited
Indian Oil Bhavan
G-9, Ali Yavar Jung Marg
Bandra(East), Mumbai- 400 051

2. Indian Oil Corporation Limited
Aurangabad Divisional Office,
Plot No. 99, Indian Oil Bhavan,
Jyoti Nagar, Aurangabad,
Through Dy.General Manager

..RESPONDENTS

Mr Nikhil S. Tekale , Advocate for petitioner;
Mr A. P. Bhandari, Advocate for respondents

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 25th April, 2019

ORAL ORDER:

It is the submission of the learned Counsel appearing on behalf of the petitioner that the land offered by the petitioner for awarding retail outlet dealership of respondent-corporation is though advertised for Wajegaon, (on left hand side of Wajegaon to Amdura State highway), the claim of the petitioner is rejected for erroneous reason. According to him, the land of

(2)

the petitioner is very much located on the said route.

2. Per contra, Mr Bhandari, learned Counsel appearing on behalf of respondent nos.1 and 2 submits that the 7/12 extract of the land owned by the petitioner speaks of location of the land at Mauja Fattepur and not at Mauja Wajegaon, which is formed to be the basis for rejection of the claim of the petitioner.

3. The respondent-corporation is the best judge to select the location at which retail outlet can be established, looking to the convenience of the people, so as to make the petroleum product available. As the respondent - corporation has reached to a conclusion that the land of the petitioner, which is located at Mauja Fattepur as is reflected in the 7/12 extract is not viable, this Court cannot sit in an appeal over the said decision. That being so, we refrain ourselves from exercising our extra-ordinary jurisdiction. The petition as such fails and stands dismissed.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

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