

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

WRIT PETITION NO. 8371 OF 2018

Rajendra Bhagwat Jaiswal

.. Petitioner

Versus

The Union of India and others

.. Respondents

Shri H. D. Deshmukh, Advocate for the Petitioner.

Shri D. G. Nagode, Advocate for the Respondent No. 1.

Mrs. Anjali Dube, Advocate for the Respondent No. 2.

Shri U. S. Malte, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVALA, JJ.**

DATE : 22ND APRIL, 2019.

FINAL ORDER :

. The petitioner assails the declaration of result dated 19.03.2018 selecting the present respondent No. 3 for grant of LPG dealership.

2. Mr. Deshmukh, the learned advocate for the petitioner submits that, pursuant to the advertisement issued by the respondent No. 2, the petitioner applied for LPG Distributor's Dealership for location at village Kingaon, Tq. Yawal, Dist. Jalgaon. Along with petitioner present respondent No. 3 and his brother namely Shashank Narendra Jaiswal also applied. The

petitioner raised an objection to the candidature on the ground both of them had offered same land and as such are ineligible. The grievance committee did not consider the case of the petitioner in its correct perspective. No proper investigation was made. The boundaries in lease deed executed in favour of the respondent No. 3 and Shashank are same. In fact in one lease deed towards East gut No. 72 and 77 is mentioned. Gut No. 77 is nowhere near land gut No. 72/1/1. Rest of the boundaries are shown similar.

3. Smt. Dube, the learned advocate for the respondent No. 2 submits that, after the respondent No. 3 was selected field verification was done and it was found that the land offered by the respondent No. 3 is independent land and grievance committee also considered the same.

4. Mr. Malte, the learned counsel for the respondent No. 3 submits that, before selection field verification has been done and that land offered by the respondent No. 3 and his brother was different.

5. We have considered the submissions canvassed by the learned counsel for respective parties.

6. The respondent No. 2 has specifically stated that as per the

procedure there is no manual intervention till the selection of a candidate. It is only after the candidate is selected his land is physically verified. If that is the case, then there was no occasion for the respondent No. 2 to consider whether the land offered by the respondent Nos. 3 and his brother was different. Present respondent No. 3 claims to have acquired 15R land from gut No. 72/1/1, under the registered lease deed dated 29.09.2017, whereas Shashank Jailswal also seems to have acquired 15R land from gut No. 72/1/1 under registered lease deed dated 29.09.2017. Both the registered lease deeds are said to have been executed by Jagdish Janardan Kirange. If the lease deeds are executed in favour of both the brothers in respect of different lands, then one boundary should be shown of the other brother, who has taken the land on lease. Same does not appear to be from the lease deeds. Towards the East in the lease deed executed in favour of Shashank land gut Nos. 72 and 77 are mentioned and if land gut No. 72/1/1 leased out to the respondent No. 3 and his brother Shashank, they are not adjacent to each other then in between leased land, land of lessor should find place. The same also does not find place in the lease deed.

7. Eastern boundary in a lease deed executed in favour of Shashank shows land gut Nos. 72 and 77, whereas that of the respondent No. 3 shows land gut No. 72 and 57. According to the petitioner land gut No. 77 is nowhere near to land gut No. 72/1/1.

8. It does not appear that all these aspects were considered by the grievance cell while disposing of complaint of the petitioner.

9. The question was not whether land offered by the respondent No. 3 is in existence. The question was whether the respondent No. 3 and his brother had offered separate lands for filling application for LGP Distributor's Dealership pursuant to the advertisement or same land. The same shall be considered by the grievance committee.

10. In the result we direct the grievance committee to consider this aspect afresh, expeditiously and preferably within a period of eight (08) weeks from today and then take decision accordingly. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 19