

WRIT PETITION NO. 7665 OF 2019

Rajesh Yashwantrao Sarangkar .. Petitioner

Versus

The Union of India and another .. Respondents

Shri Ankush N. Nagargoje, Advocate for the Petitioner.
Shri S. S. Deve, Advocate for the Respondent No. 1
Shri Sudhir D. Kulkarni, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.
DATE : 18TH NOVEMBER, 2019.**

FINAL ORDER :

Mr. Nagargoje, the learned advocate for the petitioner submits that, the petitioner was selected for the retail outlet at Pangri road, Beed. The respondents on 09th April, 2019 sought clarification regarding consent from all co-owners of the land as per 7/12 extracts in standard format Appendix-IIIA. The petitioner provided the same, still candidature of the petitioner is rejected on the ground that the required documents are not received within the stipulated time. In the present case, affidavit is filed by the respondent No. 2 raising additional ground that, minimum required area is not submitted by the petitioner. The learned counsel for the petitioner submits that, the petitioner has more than 1H land. The petitioner could have clarified said aspect also.

2. Mr. Kulkarni, the learned advocate for the company submits that, as per the advertisement the frontage of the area i. e. length should be 20 Sq. mtr and depth should be 20 Sq. Mtr. However, land required was 545 Sq. meters and the petitioner offered only 400 square meters. So also consent of all co-owners is not given by the petitioner within stipulated period. All documents are considered. Opportunity was given to the petitioner.

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

4. Affidavit cannot travel beyond the orders. The reasons cannot be substituted by affidavit.

5. From the 7/12 extract filed on record, it appears that, the petitioner has land more than 1H. It is submitted that, clarification was also given to the respondent No. 2 & 3 in respect of the same. Even consent of all co-owners was also produced after the letter is received from the respondent No. 2. We do not find from the order that all these aspects are considered by the authority.

6. In the light of the above, the impugned order is quashed and set aside. The respondent No. 2/corporation shall consider the stand of the petitioner afresh on its own merits, after affording an opportunity to the petitioner and take decision.

7. In view of that, the writ petition is disposed of. No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

bsb/Nov. 19