

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION ST. NO.13560 OF 2020**

Mahendra s/o Chandrasen Gaisamudre

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.U.R.Awate, advocate i/by Talekar and Associates, for the petitioner.

Mr.S.S.Dande, AGP for Respondent No.1.

**CORAM : S.V.GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 07th September, 2020.

PC :

1 The application of the petitioner for allotment of retail outlet at Asardoh (Rural), Taluka Dharur, District Beed, is rejected on the ground that the petitioner has failed to submit registered lease deed of the land.

2 Mr.Awate, learned Counsel for the petitioner, contends that along with the application, the petitioner has submitted notarised lease deed of the land for the period of 20 years and 11 months. The application of the petitioner was entertained and petitioner was selected. Pursuant thereto, the petitioner submitted registered lease deed but the same is not considered.

3 According to the learned Counsel for the petitioner, as per the guidelines for selection of the dealership for retail

outlets, more particularly, as per Clause 4(v)(d), for considering the application from Group 1, a person can submit 'any other type of ownership/transfer deed document'. Along with the application, the petitioner had submitted notarised lease deed of the land situated at the advertised location. The application of the petitioner was illegally rejected. The learned Counsel for the petitioner submits that even otherwise, subsequently, the petitioner has submitted the registered lease deed also and, therefore, the application of the petitioner ought to have been considered.

4 The learned Counsel for the petitioner, in the alternate, submits that in case the respondents were of the view that the application of the petitioner cannot be considered from Group 1, the same ought to have been considered from Group 2. However, the respondents are considering the application from Group 3, which is illegal.

5 The lease deed of land for one year and upward has to be by a registered instrument. Admittedly, along with the application, the petitioner has submitted a notarised document of lease deed. Under clause 4(v)(d), if the land is lease hold land, then the applicant is required to submit registered lease deed for a minimum period of 19 years and 11 months. The petitioner cannot read clause 4(v)(d) suggesting 'any other type of ownership/transfer deed document' to mean that even the lease deed required by the Law of Registration to be registered, can be a notarised instrument. The rejection of the application on the said ground is not illegal.

6 If the candidate from Group 1 is not available with the Respondent-Company, then the petitioner may represent the Respondent-Company to consider the candidature of the petitioner from Group 2. It is for the Respondent-Company to consider the same. If the Respondent-Company cannot find any eligible candidate from Group 1, then the petitioner may make an application to the Respondent-Company to consider his application from Group 2, which application shall be considered by the Respondent-Company on its own merits.

7 Writ Petition is disposed of.

SHRIKANT D. KULKARNI
JUDGE

S.V.GANGAPURWALA
JUDGE

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