

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

WRIT PETITION NO.1432 OF 2020

**KALIMKHA PATHAN MUSAKHA PATHAN
VERSUS
UNION OF INDIA AND OTHERS**

...

Advocate for the Petitioner : Shri Tekale Nikhil S.
AGP for Respondent 2 : Smt.V.N.Patil Jadhav
Advocate for Respondent 4 : Ms.Anjali Dube (Bajpai)
Advocate for Respondent 5 : Shri D.S.Manorkar

...

**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 29th October, 2021

Per Court :-

1. The learned advocate representing respondent No.4/ Corporation submits that the selection process for the location SH-60 (old) within Aurangabad district on the stretch from Waluj Police Station towards Ahmednagar on left hand side (LHS), has already commenced and it is a matter of time that the process would be completed.

2. We find from the prayer set out by the petitioner that the petitioner was anxious about the commencement of process for selecting a candidate for the retail outlet for the said location.

3. We have perused the impugned order dated 04.01.2020 and especially the last sentence on page 50, which talks of two clarificatoray letters of the National Highway Authority of India, which were tendered to the respondent/ Corporation by the petitioner. The Corporation is of the view that the two letters have not mentioned anything about the suitability of the site for the petrol pump retail outlet. On this premise, the Corporation could not proceed further with regard to the dealership selection.

4. We have no reason to step into the shoes of the Corporation to decide as to which of the location is suitable for it's business as per it's advertisement. This is exclusively within the domain of the Corporation as it has to run the business. Unless the site presented by the petitioner is found to be suitable for the Corporation, this Court would not show any indulgence in directing that the petitioner's site should be accepted de-hors the view of the Corporation.

5. In view of the above, this Writ Petition is dismissed.