

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

**1000 WRIT PETITION NO. 3840 OF 2020**

MUKESH SADASHIV GODE  
VERSUS  
THE UNION OF INDIA AND ANOHER

...  
Advocate for Petitioner : Mr. Alok M. Sharma  
ASG for Respondents: Mr. Ajay G. Talhar

...  
**CORAM : S. V. GANGAPURWALA AND**  
**S. G. DIGE, JJ.**

**DATE : 25<sup>th</sup> FEBRUARY, 2022**

**PER COURT :-**

1. Mr. Sharma, learned counsel for petitioner submits that the petitioner was successful candidate in the draw of lots conducted on 17-06-2019 for the selection of the retail dealership at the location upto 3 k.m. from Krishi Utpanna Bazar Samiti Gate, Kukana on LHS towards Shevgaon on the Shevgaon-Newasa Road, District Ahmednagar from Scheduled Tribe Category.

2. The petitioner was subsequently issued notice that he would be considered under Group-III on the ground that land documents submitted were not valid. The learned counsel submits that the petitioner complied with necessary requirements. The petitioner submitted all documents as required pursuant to the advertisement. The petitioner had taken the land on lease. The land was perfectly ideal as per the advertisement. The lease period was for 21 years i.e. more than

required. In case the respondents require registered documents, petitioner could have complied with the same.

3. The petitioner was considered under Group - I on the ground that the petitioner possesses agreement for 21 years of the land in question. It is not the case of the respondents that land shown by the petitioner is not suitable, however, it appears that the land obtained by the petitioner on lease for 21 years is on the basis of unregistered document. A lease of land more than one year or on reserving a yearly rent has to be executed by registered document. A reference can be had to Section 107 of the Transfer of Property Act.

4. In view of basic defect, the petitioner was issued communication that he cannot be considered as Group – I candidate.

5. In light of the above, writ petition is disposed of. No costs.

**( S.G. DIGE )**  
**JUDGE**

**( S.V. GANGAPURWALA )**  
**JUDGE**