

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

WRIT PETITION NO.9047 OF 2022

M/S.PANDE PETROLEUM THROUGH ITS PROPRIETOR DEVIPRASAD
CHUNNILAL PANDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Advocate for Petitioner : Shri D.P.Palodkar h/f. Shri S.S. Khoche
AGP for Respondent Nos.1 to 3 : Shri S.N.Morampalle
Advocate for Respondent No.4 : Shri P.P.More
Advocate for Respondent No.5 : Shri Anand D. Wange
Advocate for Respondent No.6 : Shri A.P.Bhandari

CÔRAM : M.G.SEWLIKAR, J.

DATE : 5th September, 2022

PER COURT :-

1. Heard.
2. The petitioner is running a Petrol Pump since 2010. Respondent Nos.4 and 5 made a complaint to the Collector that the petitioner is illegally running the Petrol Pump. The land on which the Petrol Pump is located, is an agricultural land. For running Petrol Pump, land ought to be non-agricultural land. The No Objection Certificate (NOC), which was obtained by the petitioner, was on the basis of false and bogus documents. The learned Collector by his order dated 3rd August, 2021, allowed the application and cancelled the NOC of the petitioner. This

order was challenged by the petitioner before the Divisional Commissioner. The Divisional Commissioner, by his order dated 28th February, 2022, set aside the order of the Collector and remanded the matter to the Collector for fresh decision. The order of the Divisional Commissioner was challenged by respondent Nos.4 and 5 vide Writ Petition Nos.5870 of 2022 and 5871 of 2022. Both these petitions were disposed of with a direction to the Collector to decide the matter expeditiously and in any case within eight weeks. Accordingly, the Collector disposed of the matter and directed the petitioner to obtain various permissions within four weeks else his NOC would stand automatically revoked. This order was challenged by the petitioner in appeal before the Divisional Commissioner. The learned Divisional Commissioner refused to interfere on the ground that the appeal is not maintainable.

3. Thereafter, the petitioner made an application to the Collector for extension of time. That application is yet not decided by the Collector.

4. This Court does not deem it appropriate to make any comments on merits. It would be appropriate to direct the Collector to take the decision on the application pending before

him within a period of eight weeks on its merits. Till then, the time granted by the Collector shall stand extended. If the Collector decides the application before eight weeks, the time taken till decision of the application is extended.

5. It is pointed out that the Authorities before whom the application is made for permission have not taken any decision as yet. These Authorities i.e. Tahsildar, Chief Engineer, Maharashtra State Power Generation Company Limited, Sub-Divisional Officer, have not taken any decision though the petitioner has applied for seeking permission. The aforesaid Authorities are directed to decide the applications of the petitioner within eight weeks from the date of receipt of the writ.

6. With the aforesaid directions, petition stands disposed of.

(M.G.SEWLIKAR)
JUDGE

SPT