

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

WRIT PETITION NO.10970 OF 2022

**KALINDA MADHAV CHOLE
VERSUS
STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY AND
OTHERS**

...
Advocate for Petitioner : Mr. Nikhil S. Tekale
AGP for Respondent/State : Mr. A.R. Kale
Advocate for Respondent Nos.3 and 4 : Mr. Anand P. Bhandari

...
**CORAM : MANGESH S. PATIL AND
Y. G. KHOBRAGADE, JJ.**

DATE : 08.12.2022

PER COURT :

The petitioner is challenging the order passed by the respondent corporation thereby rejecting his offered land for commissioning of RO dealership on SH 217 Haknakwadi, the desired location according to the advertisement published by it.

2. The learned advocate for the petitioner submits that the petitioner was the sole candidate. She had offered her land which was initially found to be not suitable. As per the directions of the respondent corporation's officer alternate land was offered but even it was held to be not suitable. He submits that in fact going by the topography no land from village Haknakwadi would fall between KM Stone No. 221 to 219 of the desired stretch of road. Since there was no competition also, the corporation ought to have extended her another opportunity to offer some other land which would comply with the desired location.

3. Learned advocate Mr. Bhandari who appears *suo moto* on behalf of the respondent corporation and has even filed a reply submits that there was apparently an error in mentioning the description of the desired location. Admittedly, no stretch of road falls under Haknakwadi village limits between KM Stone No.221 to 219. However, there is no error or illegality in rejecting the petitioner's offer.

4. We have considered the rival submissions and perused the papers. Even on petitioner's own showing, the desired location between KM Stone No.219 to 221 does not come under the village limits of Haknakwadi which was the advertised location. Once this state of affairs is admitted, it is quite apparent that even the petitioner in spite of giving another opportunity would not be able to offer any land at the desired location. Therefore factually there is no error in rejection of the petitioner's offer since she was unable to offer land at the desired location which is demonstrably impossible.

5. Needless to state that the respondent company if so desires have to rectify the error and it would always be open for the petitioner to participate.

6. There is no illegality in the order of rejection. The Writ Petition is dismissed.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)