

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2591 OF 2019

M/s. Yogita Petroleum,
Dealer, Hindustan Petroleum
Corporation Limited,
Through its POA Kumar Dayal
Bansod, Office at Sant Jagnade
Ward, Warthi, Tq. Mohadi,
District-Bhandara.

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Petitioner

.. Versus ..

1. State of Maharashtra,
Through its Secretary,
Mantralaya, Mumbai.
2. The Collector, Bhandra,
Office of the Collector,
Bhandara.
3. Executive Engineer,
Public Works Division,
Bhandara, District-Bhandara.
4. District Superintendent of Land
Records, Bhandara, Tah. and
District-Bhandara.
5. Deputy Inspector of Land Record,
Mohadi, Tah. Mohadi,
District-Bhandara.
6. Hindustan Petroleum Corporation
Limited, through its Competent
Authority the Regional Office at
Post Box No.8, 2nd Floor, Oriental
Building, Sadar Vallabbhai Patel
Marg, Nagpur-440010.

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Respondents

Dr. Mrs. Renuka S. Sirpurkar, Advocate for the petitioner,
Shri A.M. Deshpande, Addl. Govt. Pleader for respondent nos.1 to 5,
Shri P.D. Meghe, Advocate for respondent no.6.

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CORAM : A.S. CHANDURKAR AND SMT. M.S. JAWALKAR, JJ.
DATED : 01.04.2022.

ORAL JUDGMENT (Per : A.S. Chandurkar, J.)

Rule. Rule made returnable forthwith. Heard the learned counsel for the parties.

2. The petitioner was granted petroleum dealership at Warthi, District-Bhandara by the respondent no.6. However, on account of non-fulfillment of certain conditions prescribed in the no objection certificate, the Collector directed closing down the petrol station of the petitioner. Since the direction was issued without hearing the petitioner, Writ Petition No.6803/2014 was filed and this Court directed grant of opportunity of hearing to the petitioner. However, since the portion of the land was not converted for non-agricultural use, notice dated 12.03.2019 was issued by the District Magistrate calling upon the petitioner to show cause why the petroleum outlet should not be closed down for not complying with the conditions. The notice dated 12.03.2019 is the subject matter of challenge in the writ petition.

3. The petitioner by filing an application based on subsequent developments dated 29.03.2022 submits that the deficiencies pointed out as required in the no objection certificate have now been complied with. It is accordingly submitted that the District Magistrate who had issued the impugned notice dated 12.03.2019 could thus be directed to examine the necessary compliance of those conditions. That would facilitate grant of no objection certificate for running the petroleum outlet. Along with the said application, various documents are placed on record.

4. We find that since the petitioner has challenged the show cause notice dated 12.03.2019 by which the petroleum outlet was sought to be shut down for failure to comply with the requirements for issuance of no objection certificate and now according to the petitioner those deficiencies have been removed, it would be for the District Magistrate to examine the matter and take necessary decision in accordance with law.

5. In view of aforesaid, the writ petition is disposed of as withdrawn with liberty to the petitioner to approach the District Magistrate, Bhandara for securing the no objection certificate on compliance of the deficiencies pointed out earlier. If the petitioner

makes a request to the District Magistrate, the same shall be considered by the District Magistrate in accordance with law. Needless to state that if the petitioner is aggrieved by any steps taken by the District Magistrate, it is free to take recourse to remedies available in law.

6. The writ petition is disposed of as withdrawn. Rule in above terms. No costs.

[SMT. M.S. JAWALKAR, J.]

[A.S. CHANDURKAR, J.]

Gulande