



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.3212 OF 2012**

PUNDALIK BABASAHEB SALE ..PETITIONER  
VS.  
UNION OF INDIA & ORS. ..RESPONDENTS

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Adv. Sugandh Deshmukh for petitioner.  
Adv. Chirag Modi a/w. Adv. Yogesh Bhoge i/b. Juris Consultus  
for respondent nos.2 to 4.  
Adv. Amit A. Karande for respondent no.5.  
Ms. Reena A. Salunkhe, AGP for respondent no.6.  
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**CORAM : A.S. CHANDURKAR &  
RAJESH S. PATIL, JJ**

**DATE : 21 JUNE 2024.**

**ORAL JUDGMENT (PER : A. S. CHANDURKAR, J.):**

- 1.** Heard.
- 2.** The challenge raised in this writ petition is to the communication dated 1<sup>st</sup> August 2012 issued by the second respondent - Indian Oil Corporation Ltd. thereby rejecting the offer of land made by the petitioner who was seeking allotment of Kisan Seva Kendra retail outlet dealership at village Hunnur, Taluka Mangalwedha, District Solapur.
- 3.** The reason for such rejection was that the petitioner

could not indicate that land bearing Gut No.49/1 at village Hunnur as offered was similar to land bearing Survey No.3, Hissa No.2.

**4.** This Court after hearing the parties on 17<sup>th</sup> December 2012 directed the Tahsildar to submit a report that would indicate the exact location of the aforesaid lands. Pursuant thereto, report of the Tahsildar dated 19<sup>th</sup> March 2013 has been received wherein it has been pointed that Gut No.49/1 was part of Survey No.3, Hissa No.2. By an order dated 27 June 2014, after noting this aspect, interim relief restraining the second respondent from issuing a Letter of Intent to the fifth respondent came to be passed.

**5.** In the aforesaid backdrop, we have heard learned counsel for the parties and we have perused the report of the Tahsildar.

**6.** It is evident that the Tahsildar after hearing all parties has recorded a finding that Gut No.49/1 at village Hunnur is part of land bearing Survey No.3/2 and 4/8. Since the petitioner's application was rejected only on the ground that the petitioner could not show the exact identity of the land, in our view the matter requires re-consideration by the

second respondent alongwith the case of the fifth respondent. The second respondent can be directed to re-consider the applications made by the petitioner and the fifth respondent in accordance with the advertisement dated 15<sup>th</sup> February 2011 that was issued for allotment of the petroleum outlet.

**7.** Accordingly, the following order is passed:-

(a) The communications dated 16<sup>th</sup> February 2012 and 1<sup>st</sup> August 2012 issued by the second respondent rejecting the petitioner's application are quashed.

(b) The second respondent shall re-consider the applications made by the petitioner and the fifth respondent along with the report of the Tahsildar dated 19 March 2013. After assessing the applications of the petitioner and the fifth respondent, it would be open for the second respondent to take further steps as per the advertisement dated 15<sup>th</sup> February 2011. The entire exercise be completed expeditiously.

(c) Needless to state that any party aggrieved by the fresh decision of the second respondent is free to undertake appropriate legal recourse in accordance with law.

**8.** Rule is made absolute in the aforesaid terms with no order as to costs.

**[ RAJESH S. PATIL, J. ]**

**[ A.S. CHANDURKAR, J. ]**