



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 619 OF 2024

Vaishali Dilip Londhe

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. A.D. Sonkawade, Advocate for petitioner
Ms. P.J. Bharad, A.G.P. for respondent nos.1 and 2
Mr. A.P. Bhandari, Advocate for respondent no.3

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CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : 28th JULY, 2025

PER COURT :

. The petitioner claims to have purchased undivided share in the land, Gut Nos.10/1, 10/1/1 and 10/2/1 situated at village Mahsane, Tq. Parner, Dist. Ahilyanagar. Respondent No. 3 – Bharat Petroleum Corporation Ltd. ('BPCL') has given an outlet to be run on the land forming part of land Gut Nos. 10/1, 10/1/1 and 10/2/1. The said outlet has been granted before the petitioner herein has purchased the land. The sale-deed under which the land has been purchased is placed on record. There is no reference at all to the petroleum outlet. The petitioner claims the land beneath the outlet to have been purchased by him. He, therefore, approached Respondent No.3 – BPCL and urged for payment of rent of the land to him. Considering the claim of the petitioner, Respondent No.3 – BPCL approached

Respondent No.2 - Additional District Collector making an enquiry as to whether the land purchased by the petitioner herein is from Gut Nos.10/1, 10/1/1 and 10/2/1. In response thereto, impugned communication dated 26th May, 2022 has been issued by Respondent No.2 – Additional District Collector.

2. Admittedly, the petitioner purchased the land after lease was executed between a person in whose favour the BPCL outlet has been issued and the original land owner. There is no evidence about existence of a petroleum outlet on the land which is said to have been purchased by the petitioner. The petitioner appears to have purchased undivided share in the land, Gut Nos.10/1, 10/1/1 and 10/2/1. The suit for partition and separate possession of land is pending in the Court of Civil Judge Senior Division, Parner. Unless and until rights of the petitioner are crystalised in that said suit, the petitioner would not be entitled for amount of rent from Respondent No.3 – BPCL. The communication dated 25th May, 2022 shall not come in the way of the petitioner or the Court concerned dealing with the petitioner's suit for partition and separate possession.

3. With these observations, writ petition stands disposed of.

(NEERAJ P. DHOTE, J.)

SSD

(R.G. AVACHAT, J.)