



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1969 OF 2026

Rajendra s/o Babasaheb Dhakane
Age: 53 years, Occu.: Business,
R/o. At post Kharwandi Kasar,
Taluka Pathardi, District Ahilyanagar.

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Department of Energy, Industries,
Labour and Mines,
Mantralaya, Mumbai- 400 032.
2. The Collector,
Ahilyanagar,
District Ahilyanagar.
3. National Highway Authority of India (NHAI)
Regional Office, T-341, 4th Floor,
Tower No.8, Belapur Railway Station,
Commercial Complex, Sec-11,
CBD Belapur, Navi Mumbai 400 614.
4. Bharat Petroleum Corporation Ltd.
Through its Territory Manager
(Retail) Ahmednagar,
At Post Akolner,
Taluka and District Ahmednagar
5. Vijaya Pandurang Shirsath
Age: 41 years, Occu.: Business,
R/o. At Post Pimpalgaon Tappa,
Taluka Pathardi, District Ahmednagar,
and having business premises at
Gut No.253/1/1 village Kharwandi,
Taluka Pathardi, District Ahmednagar.

.. Respondents

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Mr. N. B. Narwade, Advocate h/f Mr. Krishna U. Chaudhari, Advocate for the petitioner.

Mr. V. M. Kagne, AGP for respondents/State.

Mr. S. V. Dandge, Advocate for the caveator.

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**CORAM : SMT. VIBHA KANKANWADI &
NEERAJ P. DHOTE, JJ.**

DATE : 18 APRIL 2026

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. The present petition was initially filed seeking directions to Respondent No.2/Collector to decide the petitioner's representations dated 10.09.2025 and 07.11.2025 for cancellation of access permission granted for a petrol pump at Gut No. 253/1/1 (NHAI 61), situated at Post Kharwandi Kasar, Taluka Pathardi, District Ahilyanagar. Subsequently, by way of amendment, the petitioner has also challenged the letter dated 01.04.2025 issued by Respondent No.3 in favour of the newly added Respondent No.4. The petitioner further seeks directions to Respondent No.2 to decide the representation dated 26.06.2025, as well as directions to Respondent No.3 to decide the representation dated 14.02.2026.

2. Heard learned Advocate Mr. N. B. Narwade holding for learned Advocate Mr. Krishna U. Chaudhari for the petitioner, learned AGP Mr. V. M. Kagne for respondents/State and learned Advocate Mr. S. V. Dandge for the

caveator.

3. The petitioner submits that the Regional Office of National Highway Authority of India (for short "NHAI") and the Regional Office, CBD, Belapur, Navi Mumbai, issued access permission for petrol pump at Gut No.253/1/1 at Kharwandi Kasar under NHAI 61. According to the petitioner, the permission issued for installation of petrol pump at the said location is invalid and is required to be cancelled. According to the petitioner, the drawing shows that the access road is 13 meters wide. The actual site inspection would show that the cement road towards the front side of the petrol pump is only 5.00 meters on both sides and total side strip is about 1.50 meters. The petitioner is making allegations against the officers of respondent Nos.2 and 3 that they have misused their authority. Maximum width of the roads is not more than 12 meters, whereas permission has been granted for plot between Survey No.292 to 293 and 293 to 294 without consulting the nearby landowners. According to the petitioner, 468 meters area has been acquired for this project causing direct financial loss to the petitioner. There is a stream near petrol pump and in case of leakage of petrol, gas and diesel, it would cause environmental and safety hazards. The petitioner states that he visited the Regional Office with other farmers several times, however, the two officers had not given any hearing. He had made several complaints and also the complaint to the Collector on

23.07.2025 with a request not to give No Objection Certificate for a new petrol pump at the said spot. The petitioner has pleaded in respect of complaint made by some other farmers and other persons also, however, we do not want to consider the same, because they are not party to the proceedings and how the petitioner got the knowledge is also a question. So also, petitioner cannot plead for them.

4. By way of amendment, the petitioner discloses that he had participated in the process of retail outlet dealership of added respondent No.4 Bharat Petroleum Corporation Limited for the location of Kharwandi on Kalyan Vishakhapattanam Highway in view of the advertisement dated 25.11.2018. In the said process, one Vijaya Shirsat was selected and to that extent the list was prepared by the authority. Then the petitioner had made representation on 16.09.2024 contending that as per the guideline, the retail outlet must have to be situated away from 300 meters from the junction and to the extent location norms on rural stretches of the National Highway the guidelines of the Central Government have not been adhered to. Said spot i.e. Gut No.253/1/1 has also not received Non-Agricultural certificate. Again the facts have been repeated in respect of drawing and alleged misleading in respect of width of the road. The petitioner then says that the access permission that has been granted is illegal and in violation of the norms. According to the petitioner, in added paragraph No.23-G of the petition, he

has stated that in spite of the communications in writing, the respondent authorities have not taken any action and today also there is no proper service road made available. Petitioner states that he is aggrieved because already he is running the retail outlet at a distance of 900 meters, which is run by one Surekha Rajendra Dhakane, who is his wife. He states that he is ready to follow all the norms and conditions, which have been violated by the respondent authorities as well as by the persons who had participated in the process and the respondent authorities granted the outlet in favour of Smt. Surekha.

5. Learned Advocate for the petitioner has taken us through the entire proceedings and reiterated the submissions made earlier. For the simple reason we do not want to go into the merits, as it has been objected by learned Advocate Mr. S. V. Dandge, the caveator, that the petitioner, who has given his occupation as business, is in fact serving as an Assistant Sub-Inspector in the police department. We thereupon asked the learned Advocate appearing for the petitioner as to whether this fact is correct. Thereupon, upon instructions from the petitioner, who is present before this Court, he admits that the petitioner is serving as an Assistant Sub Inspector. At page No.56, a copy of the application filed on 25.12.2018 is produced, wherein the petitioner is shown as the proprietor. Even the declaration to the said form confirms the information that was given by him as true and

correct. It has been signed by the petitioner. It bears the photograph of the petitioner. That means, the said application for the dealership of petrol pump was submitted by the petitioner, who is a government servant, in his name as proprietor. Certainly, being the government servant, the Maharashtra Civil Services Rules, 1981 (hereinafter referred to as the “MCS Rules”) are applicable to him. In the entire petition, the petitioner has not produced any document to show that he had sought permission from his superior to participate in the process or apply for getting the retail outlet of the petrol pump. All the applications those have been given by the petitioner are in his name and not in the name of his wife. All the complaints made by him to the various authorities do not disclose that the petitioner is serving as Assistant Sub Inspector with the Police Department. Certain other documents would have been filed by him along with his proposal. How he was able to manage or take those certificates is a question. At the cost of repetition, we would state that in the title of the petition the petitioner has given his occupation as business and in the verification, which he has sworn on 06.01.2026, there also he has disclosed his occupation as business. That means, the petitioner has not come before this Court with clean hands and by suppressing the fact that he is a government servant, it appears that he had participated in the process. Hence, we out-rightly **dismiss** the petition. However, since the petitioner is serving under the District Superintendent of

Police, Ahilyanagar, we direct District Superintendent of Police, Ahilyanagar to initially hold a Preliminary Inquiry as per the procedure against the petitioner and upon positive result of the same, to hold the full fledged Departmental Enquiry and to take action under MCS Rules or any other rules those are applicable to the petitioner. Such preliminary inquiry be held within a period of one month.

6. The report of the preliminary inquiry be submitted to this Court on 16.06.2026.

[NEERAJ P. DHOTE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm