

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

WP(C).No. 17860 of 2008 (A)

PETITIONER(S):

**R.M.SUDHARSHAN ,S/O.LATE KARUNAKARAN
(CHILANKA, KOTTOOLI P.O.), PREMIER
COURT ROAD, KOZHIKODE-1.**

**BY ADVS.SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.T.S.SHYAM PRASANTH**

RESPONDENT(S):

1. THE DISTRICT COLLECTOR,KOZHIKODE.

2. THE TAHASILDAR, KOZHIKODE.

**3. THE VILLAGE OFFICER, BAYPORE,
KOZHIKODE DISTRICT.**

R1-3 BY ADV. GOVERNMENT PLEADER P.K.ABDUL RAHMAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS

**EXT.P1 : TRUE COPY OF THE LICENCE ISSUED BY THE GRAMA
PANCHAYAT IN FAVOUR OF THE PETITIONER FOR THE YEAR
2007-08.**

**EXT.P2 : TRUE COPY OF THE RECEIPT DATED 03.5.2008 ISSUED BY
BAYPORE GRAMA PANCHAYAT.**

**EXT.P3 : TRUE COPY OF THE ORDER DATED 05.10.2001 ISSUED BY
THE GOVERNMENT**

**EXT.P4: TRUE COPY OF THE ORDER DATED 22.11.2002 ISSUED BY
THE 2ND RESPONDENT**

**EXT.P4 (a): TRUE COPY OF THE PROCEEDINGS NO.L6-408 58/00 DATED
23.01.2006 OF THE 1ST RESPONDENT**

**EXT.P5 : TRUE COPY OF THE RECEIPT DATED 15.3.2006 ISSUED BY
THE 3RD RESPONDENT.**

**EXT.P6 : TRUE COPY OF THE APPLICATION FOR RENEWAL OF LEASE
DATED 28.3.200 SUBMITTED BY THE PETITIONER.**

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

avk

A.M.SHAFFIQUE, J.

W.P.(C).No. 17860 of 2008

Dated this the 12th day of November, 2015

JUDGMENT

The petitioner has approached this Court seeking for a direction to the respondents to renew the lease with respect to the property having an extent of 2.5 cents in Re.Sy.No.61/2A 1 in favour of the petitioner and for a further direction to the respondent to not to evict the petitioner from the leasehold property. The facts involved in the writ petition would disclose that the aforesaid property was taken on lease initially by one Sri.K.V.Velayudhan for the specific purpose of running a retail outlet in petroleum products. He also obtained a dealership license from M/s.Bharat Petroleum Corporation Limited. According to the petitioner he entered into an arrangement with Sri.K.V.Velayudhan for the purpose of running the outlet. The lease was renewed till 2006-2007. Though the petitioner applied for renewal of the lease as per Ext.P6 dated 28.3.2007 the same was not considered by the Government and therefore the petitioner had approached this Court. The Government

had filed statement interalia observing that it was the predecessor of the petitioner who was licensed to conduct the retail outlet. BPCL had terminated the dealership with M/s.Vijay Agencies and a communication was received by the District Collector in that regard. The termination order is dated 3.3.2006. Under such circumstances, it is observed that there was no necessity for renewing the lease.

2. The additional 4th respondent had filed a counter affidavit stating that after canceling the dealership BPCL took over the functioning of the retail outlet and has also filed an application to the Government for the lease of said property in their favor which is now pending consideration.

3. The facts being so, since the land was given on lease for the specific purpose of running a retail outlet in petroleum products and the petitioner is not the licensee. It is apparent that the petitioner has no legal right to demand that the lease should be granted in his favor. It is also not disputed that BPCL is now operating the retail

outlet.

4. Under such circumstances, no relief can be granted to the petitioner. The writ petition is accordingly dismissed.

Sd/-
A.M.SHAFFIQUE
JUDGE

//TRUE COPY//

PA TO JUDGE

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