

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17396 OF 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the respondents 1 to 3 in not supplying the petroleum products to the petitioner in spite of the payment of amount of Rs.7,15,967/- on 20.05.2016, without issuing any notice and without conducting any enquiry and without passing any order, as illegal and arbitrary and consequently, direct the respondents 1 to 3 to continue supply of the petroleum products to the petitioner.

The case in brief is that the petitioner is a dealer of the 1st respondent and he is running the petrol pump in the land taken on lease from the 5th respondent. There was a dispute between the petitioner and the 5th respondent regarding fixation of rent and also non-payment of rents by the petitioner. Since the leased period is not extended, the 5th respondent cancelled the lease of the petitioner and informed the same to the 4th respondent, who in turn informed the same to the respondents 1 to 3. Therefore, the respondents 1 to 3 stopped supply of petroleum products to the petitioner. The grievance of the petitioner is that since the lease period is expired, he made application to the Government to extend his lease period and that the said application is pending consideration, and meanwhile, the newly elected committee of the 5th respondent is pressurizing the petitioner to vacate the said place.

The respondents 1 to 3 and also the 5th respondent filed counter affidavits.

Learned counsel for the 5th respondent submitted that if the petitioner is ready to pay the accumulated rents, the 5th respondent is ready to allow the petitioner to continue his business in the said place.

Learned counsel for the petitioner submitted that since the amount claimed by the 5th respondent is Rs.11,71,530/-, the petitioner is not in a position to deposit the entire amount at one time, and requested to permit him to pay the said amount in installments.

Considering the facts and circumstances of the case and also the request of the petitioner, this Court is inclined to pass the following order:

The petitioner is directed to pay the amount of Rs.11,71,530/- due to the 5th respondent towards rent, in four (4) equal monthly installments starting from 15th December, 2016 to 15th March, 2017 and also continue to pay the monthly rent regularly. On receipt of the first installment, the 5th respondent is directed to renew the lease of the petitioner and also inform the same to the respondents 1 to 3. On receiving such information, the respondents 1 to 3 are directed to restore the supply of petroleum products to the petitioner. In case the petitioner fails to deposit any of the installments and the entire due amount on or before 15th March, 2017, and also the monthly rent, the 5th respondent is at liberty to proceed further and take possession of the land from the petitioner.

Further, the petitioner is directed to make a representation before the 5th respondent regarding fixation of monthly rent to be paid by him, and on such representation being filed, the 5th respondent is directed to consider the same and pass appropriate orders.

With the above directions, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

November 15, 2016.
KTL

