

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.7550 of 2017

1.Mrs.Saraswathi Ammal
2.Ms.Gajalakshmi
3.Ms.Sulochana

... Petitioners

Versus

- 1.The Secretary to Government,
Government of India,
Ministry of Petroleum,
New Delhi.
- 2.The Secretary to Government,
Government of Tamil Nadu
Local Administration,
Fort St. George,
Chennai.
- 3.The Secretary to Government,
Uniformed Services, (Fire and Rescue Service),
Fort St. George, Chennai-9.
- 4.The District Collector,
O/o.District Collector,
Namakkal.
- 5.District Revenue Officer,
O/o.DRO, District Collector Campus,
Namakkal.
- 6.Revenue Divisional Officer,
O/o.DRO, District Collector Campus,
Namakkal.
- 7.The Tahsildar,
O/o.Tahsildar,
Taluk Office,
Namakkal.
- 8.Revenue Inspector,
O/o.Revenue Inspector,
Taluk Office, Namakkal.

9.The Regional Manager,
Bharath Petroleum Corporation Ltd.,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai.

10.Territory Manager,
Bharat Petroleum Corporation Ltd.,
Karur, Karur District.

11.The District Fire and Rescue Service Officer,
O/o.Fire Service,
Namakkal.

12.Bharat Petroleum Corporation Ltd.,
A Government of India Enterprise,
Karur Retail Territory,
Karur Erode Road,
Karur. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 9th and 10th respondents to consider and dispose of the representation of the petitioners dated 16.11.2016.

For Petitioners : Mr.S.Xavier Felix

For 1st respondent : Mr.K.Raju
Central Government standing counsel

For RR2 to 8 and 11 : Mr.S.Pattabiraman
Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioners herein claim themselves to be the absolute owners of the property situated at Ward A, Block No.9, Thiruchengodu Road, Namakkal Town admeasuring 4320 Sq.ft. by way of partition effected among themselves on 12.01.1972. According to the petitioners, the said premises was let out to the 12th respondent for running Petroleum outlet under the name and style of Burmah-shell, oil storage and distributing company of India Ltd, by way of lease agreement initially and it was extended from time to time. Since there was default in rent, the tenancy was terminated and the lease period was not extended. Therefore, the Corporation has no tenancy right to do any business either through their agent or otherwise. In this

regard, the petitioners filed RCOP.No.13 of 2013, on the file of the District Munsif, Namakkal for fixation of fair rent and the same was disposed as not pressed in view of filing suit for recovery of possession. The petitioners also sent a representation dated 16.11.2016 to respondents 1 to 11 requesting not to extend the license in favour of the corporation inasmuch as they are running business without a valid agreement of tenancy. Since no orders has been passed on the said representation dated 16.11.2016, the petitioners are before this Court with this writ petition.

3. Heard the learned counsel appearing on either side and perused the materials on record.

4. Heard the learned counsel appearing for both sides. The learned Government advocate appearing on behalf of the respondents 2 to 8 and 11 has no serious objection to consider the representation of the petitioner dated 16.11.2016.

5. Considering the facts and circumstances of this case, this Court directs the ninth and tenth respondent to consider and dispose of the petitioner's representations dated 16.11.2016 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government,
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Ministry of Petroleum,
New Delhi.

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Government of Tamil Nadu
Local Administration,
Fort St. George,
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Karur Retail Territory,
Karur Erode Road, Karur.

+1 cc to Mr.K.Raju, Central Govt., Standing Counsel, sr.19355

+1 cc to Govt.Pleader, sr.19460.

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