

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.25870 of 2012

and

M.P.No.1 of 2012

S.Manickavasagam

.. Petitioner

Vs.

1. M/s.Bharath Petroleum Corporation Limited,
No.1, Ranganathan Garden,
11th Main Road, Anna Nagar,
Chennai-600 040.

2. Mr.C.R.V.Rajkumar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to hand over vacant possession of the premises ad-measuring 1225 Sq.Ft. comprised in T.S.No.238 at No.22, Old Bus Stand Road, Aruppukkottai Town, Virudhunagar District to the petitioner.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.O.R.Santhana Krishnan for R-1
Mr.Pala Ramasamy for R-2

ORDER

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent-BPCL to hand over vacant possession of the premises ad-measuring 1225 Sq.Ft. comprised in T.S.No.238 at No.22, Old Bus Stand Road, Aruppukkottai Town, Virudhunagar District to the petitioner.

2. Admittedly, in respect of the said property, there was a lease agreement between the petitioner's father and Burma Shell Oil Storage and Distributing Company of India Limited in 1968. After the demise of the father, the petitioner requested for renewal of the lease. As there is a dispute between the landlord and tenant, namely the petitioner and the second respondent, a legal notice had been caused by the landlord to the tenant for vacating the premises. In the legal notice, dated 29.08.2011

issued to the second respondent and others, there was a mention about letter in Annexure IV of the letter dated 15.06.2011 sent by Mr.C.D.Costa, DGM Coord and PIO (Retail), BPCL, Mumbai addressed to the petitioner, under the Right to Information Act and it is stated in the said legal notice that there is a dispute with regard to the signature of one Krishnammal in the said Annexure letter, who will only affix the thumb impression, as she is not educated and that she never puts signature. The signature of Krishnammal is forged and somebody has prepared and affixed the signature therein. Since there is dispute between the petitioner and the second respondent, in order to bring it within the jurisdiction for maintaining the Writ Petition, the first respondent has been made a party.

3. For the aforesaid reasons, the issue between the parties has got to be resolved only in appropriate civil forum, and hence, this Writ Petition is dismissed as not maintainable. No costs. The Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

cs

Copy to

+1 CC to Mr.A.V.Arun, Advocate sr 52893
+1 CC to Mr.O.R.Santhana Krishnan , Advocate sr 52291
+1 CC to Mr.Pala Ramasamy , Advocate sr 52935.

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SP(23/08/2017)

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