

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.04.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.10894 of 2018

T.Amirthavalli

... Petitioner

Vs.

1.M/s.Indian Oil Corporation,
rep by its Chief Divisional Retail Sales Manager,
Divisional Office, Indian Oil Bhavan,
No.8/1079, Avinashi Road,
Coimbatore - 18.

2.M/s.Indian Oil Corporation,
rep by its Executive Director (Sales),
G-9, Ali Yavar Jung Marg, Bandra (East),
Mumbai - 400 051.

3.M/s.Indian Oil Corporation,
rep by its Executive Director (Sales),
No.139, Indian Oil Bhavan,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.

4.M/s.Indian Oil Corporation,
rep by its Assistant Manager (Sales),
Divisional Office, Indian Oil Bhavan,
No.8/1079, Avinashi Road,
Coimbatore - 18.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus directing the respondents to
vacate and hand over vacant possession of the property situated in

S.No.298/1B, admeasuring 30,000 sq.ft. (200 x 150 feet) on Palladam to Tiruppur Road, SH-19, Vettupattankuttai Village, Naranapuram Post, Palladam Taluk, presently Tiruppur District and bounded North by petitioner's land in S.No.298/1B, South by land of Annapoorani Estates in S.No.298/2, East by petitioner's land in S.No.298/1B and West by Palladam to Tiruppur Road (SH-19) to the petitioner.

For Petitioner : Mr.M.Selvaraju

ORDER

This Writ Petition has been filed seeking a direction to the respondents to vacate and hand over vacant possession of the property situated in S.No.298/1B, admeasuring 30,000 sq.ft. (200 x 150 feet) on Palladam to Tiruppur Road, SH-19, Vettupattankuttai Village, Naranapuram Post, Palladam Taluk.

2.The learned counsel appearing for the petitioner submitted that the petitioner purchased the property in Survey No.298/1B measuring 1.41 cents at Vettupattankuttai Village, Naranapuram Post, Palladam Taluk and being the absolute owner of the property entered into an agreement dated 20.12.2002 with IBP Co. Ltd., agreeing to lease about 30,000 sq.ft., for a period of 15 years to run a retail outlet for the sale of petroleum products, with a renewal clause to lease for another 15 years. The agreement came to an end on 26.02.2018. On expiry of the lease period, the petitioner sent a notice of termination by registered post on 18.11.2017/25.11.2017

expressing her unwillingness to renew the lease. Since the notice of termination has already been issued, finding that the respondents failed to vacate and hand over the land in question, the petitioner has come to this Court by filing the Writ Petition.

3.The learned counsel, in support of his contention, relied upon the judgment reported in **(1999) 4 Supreme Court Cases 450 [Hindustan Petroleum Corporation Ltd. and another vs. Dolly Das]** wherein the Apex Court held that if the facts pleaded are of such nature which do not involve any complicated question of fact needing elaborate investigation of the same, the High Court could also exercise Writ jurisdiction under Article 226 of the Constitution in such matters.

4.But the said ratio cannot be applied to the present case for the simple reason that when there is an agreement of lease executed on 20.12.2002 in favour of the respondents for a period of 15 long years to run a retail outlet for the sale of petroleum product with a renewal clause of 15 years, this Court will not be able to entertain the Writ Petition as the said renewal clause, if relied upon by the respondents, would give complex question of fact, which will not allow this Court to entertain the Writ Petition under Article 226 of the Constitution of India.

5. In such view of the matter, the Writ Petition fails and the same is dismissed. It is open to the petitioner to work out the remedy in the manner known to law. No costs.

Index : Yes/No
Internet : Yes
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27.04.2018



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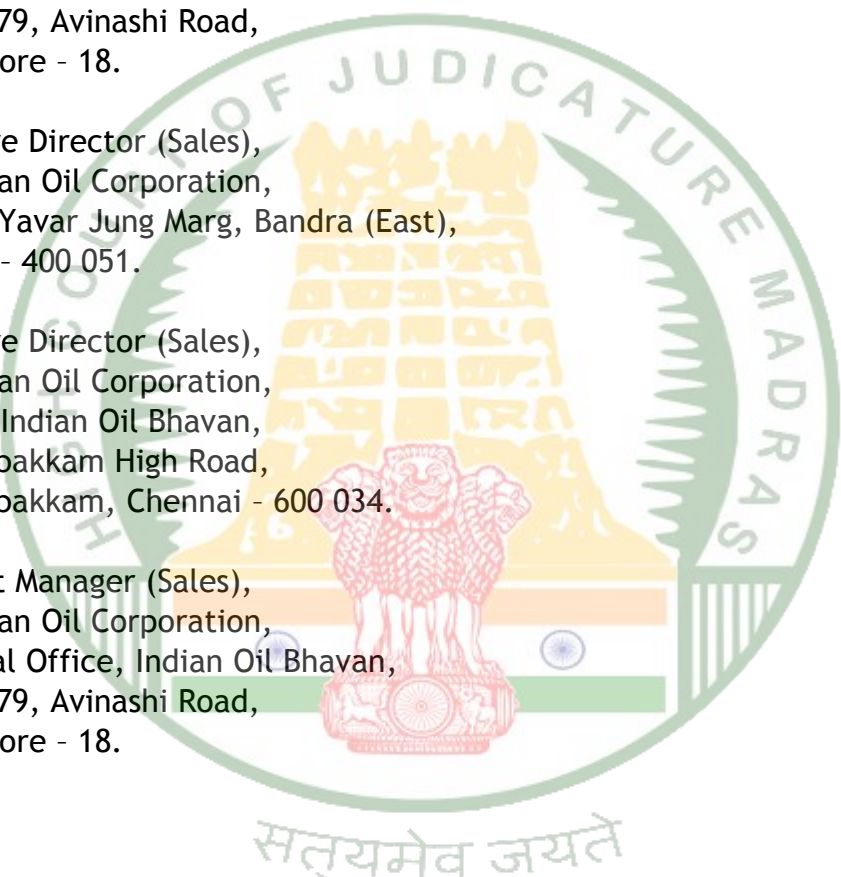
To

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Divisional Office, Indian Oil Bhavan,
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Coimbatore - 18.

2.Executive Director (Sales),
M/s.Indian Oil Corporation,
G-9, Ali Yavar Jung Marg, Bandra (East),
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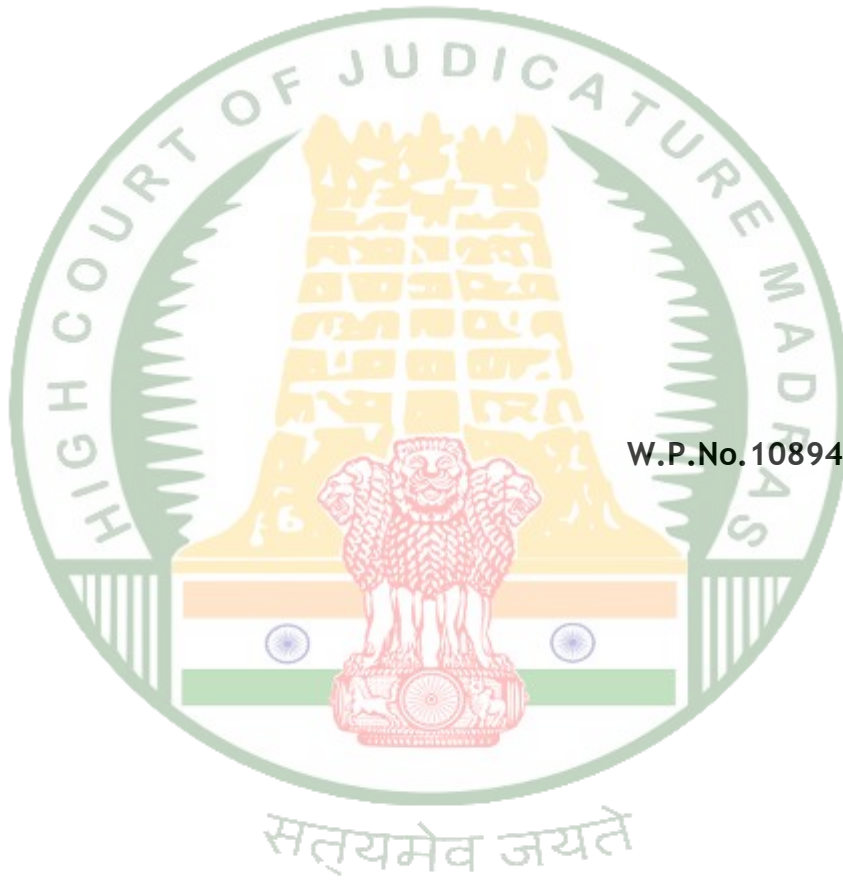
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4.Assistant Manager (Sales),
M/s.Indian Oil Corporation,
Divisional Office, Indian Oil Bhavan,
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