

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.4927 of 2019

Vinay Solanki

...Petitioner

Vs.

1. The Secretary to the Government,
Ministry of Petroleum & Natural Gas,
Shastri Bhavan, New Delhi 110001.
2. The Indian Oil Corporation Limited,
(Chennai Divisional Office),
No.500 Anna Salai, Teynampet,
Chennai 600018.
3. The Indian Oil Corporation Limited,
Indian Oil Bhavan,
Nungambakkam High Road,
Chennai-600034.
4. The Chairman,
Indian Oil Corporation Limited,
Mumbai-400051.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to vacate the premises Lease Out to the 2nd respondent in lease deed dated 21.09.2000 as the same is expired on 20.09.2015.

For Petitioner : Dr.R.Sampathkumar

For Respondents: Mr.K.Sasikumar
Central Government Standing Counsel
for R1 Mr.R.Ravi for R2 & 3

O R D E R

Mr.K.Sasikumar, learned Central Government Standing Counsel takes notice for the first respondent and Mr.R.Ravi, learned counsel takes notice for 2nd and 3rd respondents. By consent of

the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed seeking for mandamus directing the respondents to vacate the premises leased out to the 2nd respondent vide lease deed dated 21.09.2000, as the same was expired on 20.09.2015.

3. The petitioner, claiming to be the owner of the subject matter property, leased out the same to the respondent-Oil Corporation. Now, he seeks for eviction of the respondent-Oil Corporation from the subject matter property by contending that the respondent-Oil Corporation is not entitled to continue in possession even after expiry of the lease period.

4. Perusal of the facts and circumstances and the materials placed before this Court would show that the very same petitioner, as a plaintiff filed O.S.No.81 of 2014 on the file of the Sub-Court, Poonamallee for eviction of the respondent-Oil Corporation and the said suit was decreed on 25.09.2018. Therefore, it is apparent that the petitioner is armed with a decree granted by the competent Civil Court directing the defendants therein/respondent-Oil Corporation herein to quit and deliver vacant possession of the subject matter property to the plaintiff therein (petitioner herein) within a period of three months and also with further direction to pay arrears of rent to the plaintiff. When the petitioner has already armed with such decree granted by the Civil Court, it is for him to work out his remedy by filing Execution Petition to execute such decree before the concerned Court, so long as the said decree is not stayed or set aside. Hence, filing this writ petition indirectly seeking for execution of the decree granted by the Civil Court, cannot be entertained.

5. Needless to state that the jurisdiction vested under Article 226 of the Constitution of India is not meant for exercising the execution of the decree granted by the Civil Court. Accordingly, this writ petition is disposed of, only by granting liberty to the petitioner to workout his remedy before the Civil Court by filing appropriate Execution Petition. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sni/mk

To

1. The Secretary to the Government,
Ministry of Petroleum & Natural Gas,
Shastri Bhavan, New Delhi 110001.
2. The Indian Oil Corporation Limited,
(Chennai Divisional Office),
No.500 Anna Salai, Teynampet,
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3. The Indian Oil Corporation Limited,
Indian Oil Bhavan,
Nungambakkam High Road,
Chennai-600034.
4. The Chairman,
Indian Oil Corporation Limited,
Mumbai-400051.

+1cc to Dr.R.Sampathkumar, Advocate, S.R.No.15817
+1cc to Mr.K.Sasikumar, Advocate, S.R.No.15797
+1cc to the Government Pleader, S.R.No.15807

W.P.No.4927 of 2019

PM(CO)
CS/26/03/2019



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