



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

Rev. Aplc(MD).No.2 of 2020
and W.M.P.(MD).No.1093 of 2020

The Territory Manager,
Bharat Petroleum Corporation Ltd.,
Retail Territory Office,
37, Thirupparakundram Road, Pasumalai,
Madurai - 4.

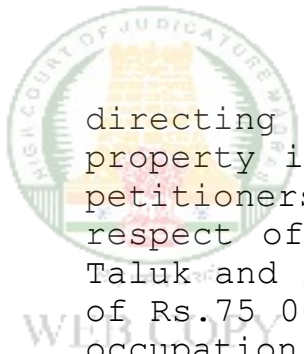
.. Review Petitioner/4th Respondent

Vs.

- 1.G.Manimekalai
- 2.G.Das Prakash
- 3.G.Bhuvaneshwari .. Respondents/Writ petitioners
- 4.The Chief Controller of Explosives
Petroleum and Explosives and Safety Organisation,
'A' Block, 5th Floor, CGO Complex,
Seminary Hills, Nagpur - 440 006.
- 5.The Joint Chief Controller of Explosives,
Petroleum and Explosives and Safety Organisation,
A & D Wing, Block 1 - B, IInd Floor, Shastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai - 600 006.
- 6.The District Revenue Officer (DRO)
Dindigul Collectorate,
Dindigul District.
- 7.P.Jayabharathi .. Respondents/Respondents 1 to 3 & 5

Prayer in Review Application: Review application filed under Order XLVII Rule 1 r/w Section 114 of C.P.C. to review the order passed by this Court in W.P.(MD).No.4294 of 2018, dated 19.12.2019 (made ready on 02.01.2020) by allowing this Review Petition.

Prayer in Writ Petition: Writ petition filed under Article 226 of the Constitution of India, for issuance of writ of Mandamus,



directing the respondents 4 and 5 to vacate and hand over the property in S.No.13/1N A.Vellodu village, Dindigul Taluk to the petitioners after removing the petro pump and its accessories in respect of property in S.No.13/1N, A.Vellodu Village, Dindigul Taluk and further directing them to jointly or severally pay a sum of Rs.75,000/- per month to the petitioners as damages for use and occupation of the property from 01/01/2017 till the properties hand over.

For Petitioner : Mr.S.Natesh Raaja

For Respondents : Mr.H.Lakshmi Shankar for R1 to R3
Mr.S.Jeyasingh for R4 and R5
Mr.A.Thiyagarajan for R6, Gov. Advocate
Mr.T.Lajapathi Roy for R7.

O R D E R

This Court by order, dated 19th December 2019, directed the respondents 4 and 5 to pay a sum of Rs.1,50,000/- as rent for the past two months on or before 10.01.2020 and to pay the rent at the rate of Rs.75,000/- per month till the disposal of the writ petition.

2.In the order, this Court has presumed that the respondent Corporation has accepted for renewal lease of premises for a sum of Rs.75,000/- as monthly rent. Learned counsel appearing for the petitioner in the review application submitted that the respondent corporation has never agreed for renewal at the rate of Rs.75,000/- per month as rent. The learned counsel also relied upon the communication, dated 21.12.2016, by which the Territory Manager/the fourth respondent in the writ petition has only stated as follows.

"In fact, you have in your latest notice informed of your tentative estimation of the rental amount for the said site to be Rs.75,000/-. We are willing and ready to negotiate the monthly rentals at your estimated amount, by according a personal meeting with your clients."

From the communication also, it is seen that the Territory Manager has only reflected the demand of the writ petitioner for renewing the lease at the rate of Rs.75,000/- per month as rent.

3.The expression clearly indicates that the Territory Manager only wanted negotiation. Therefore, the observation made by this Court that the review petitioner has agreed for renewal of lease of premises for a sum of Rs.75,000/- as monthly rent is an error. Hence, the order, dated 19.12.2019 is recalled. This review is allowed.



4.However, the review petitioner has filed counter affidavit in the main writ petition. Therefore, this Court is inclined to dispose of the writ petition finally taking into account the submission that there is no commercial operation and the other facts as apparent from the records particularly to protect the interest of land owners and the respondents. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar(CS)

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+1 cc to Mr. S.Natesh Raaja, Advocate SR.No.3077

+1 cc to The Special Government Pleader Sr.No.3197

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