

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.11165 of 2021

G.Palaniappan

... Petitioner

Vs

1. M/s.Hindustan Petroleum Corporation Ltd.,
Having its Regional Office at
Chennai Retail RO, 2nd Floor, Petro Bhavan,
New No.82, Old No.47, TTK Road, Chennai-18.
 2. The Deputy General Manager - Retail Region,
Hindustan Petroleum Corporation Ltd.,
Trichy Retail Region,
Trichy - 620 001.
- ... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents to consider the representations dated 05.03.2021 and 25.04.2021 made by the petitioner seeking permission to grant dealership to the petitioner for operating the petrol station on the petitioner's lands.

For Petitioner : Mr.V.Balamurugane

For Respondents: Mr.Abdul Saleem

ORDER

Mr.Abdul Saleem, learned counsel takes notice for the respondents.

2. By consent of both the parties, this Writ Petition is taken up for final disposal.

3. The Writ Petition is filed seeking a mandamus to direct the respondents to consider the representations dated 05.03.2021 and 25.04.2021 made by the petitioner seeking permission to grant dealership to him for operating the petrol stations on his lands.

4. The petitioner is the owner of the lands situated at R.S.No.26/10 B2, Kumbakonam Road, Kumarakudi Village, Sethiathope, Cuddalore District, measuring an extent of 30 cents and it was given on lease to Hindustan Petroleum Corporation Ltd. (HPCL) for running a retail outlet, vide a registered Lease Deed dated 04.03.2002 in Document No.141 of 2002. The lease was for a period of 30 years, commencing from 01.03.2002, wherein, it was agreed between the parties that the monthly rent for the first 15 years commencing from 01.03.2002 to 28.02.2017 shall be at Rs.1,200/- and the same shall be increased to Rs.2,000/- for the next 15 years commencing from 01.03.2017 to 29.02.2032. It is stated that upon entering into a lease agreement, HPCL was put in possession of the premises. Ever since the date of lease, HPCL has only given temporary operational permission for persons to operate the retail outlet. Though the lands were given on lease to the respondents as early as in the year 2002, the rent paid by HPCL is not in consonance with the current market value of the property. Hence, the petitioner has made representations on 05.03.2021 and 25.04.2021 to the respondents requesting them to grant permission for operating the petrol station on his lands. Since the said representations were not considered, the present Writ Petition has been filed.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. Mr.Abdul Saleem, learned Standing Counsel appearing on behalf of the respondents submitted that the representations of the petitioner will be considered within a period of eight weeks.

7. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representations dated 05.03.2021 and 25.04.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and by affording him an opportunity of personal hearing or virtual hearing, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

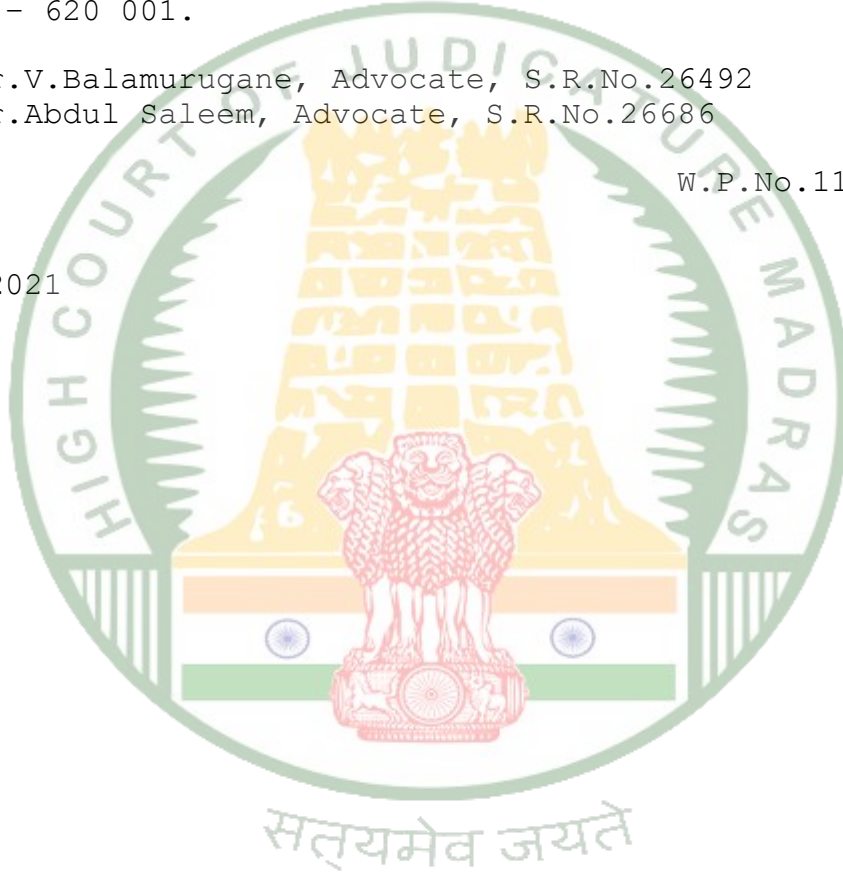
To

1. M/s.Hindustan Petroleum Corporation Ltd.,
Having its Regional Office at
Chennai Retail RO,
2nd Floor, Petro Bhavan,
New No.82, Old No.47,
TTK Road, Chennai-18.
2. The Deputy General Manager - Retail Region,
Hindustan Petroleum Corporation Ltd.,
Trichy Retail Region,
Trichy - 620 001.

+1cc to Mr.V.Balamurugane, Advocate, S.R.No.26492
+1cc to Mr.Abdul Saleem, Advocate, S.R.No.26686

W.P.No.11165 of 2021

JPL(CO)
CS/29/06/2021



WEB COPY