



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD)No.21826 of 2015

and

M.P. (MD) No.1 of 2015

WEB COPY

P.K.Sivarama Ganesh

... Petitioner

- Vs -

1.Bharat Petroleum Corporation Limited,
Bharat Bhavan,
4 & 6, Currimbhoy Road,
Ballard Estate,
P.B.No.688, Mumbai - 400 001.
Through its Managing Director.

2.The Territory Manager (Retail),
Bharat Petroleum Corporation Limited,
B.G. Goods Shed Road, Thachanallur,
Tirunelveli.

... Respondents

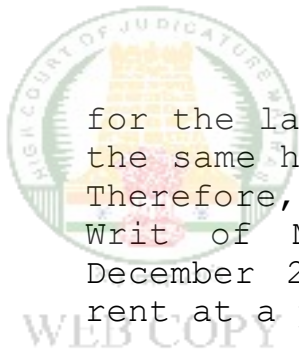
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to finalise the rent between January 2015 to December 2017 at Rs.40,000/- per moth and further direct them to increase the rent by 20% at the end of the every 3rd year block.

For Petitioner	: Mr.T.S.R.Venkataramana
For Respondents	: Mr.S.Natesh Raja
	Standing Counsel

ORDER

The case of the petitioner is that the property in Survey Nos.148/19, 148/20 in T.S.No.14, Ward C, Block 18, in Aruppukkottai Village and Town in an area of 3404 sq. ft. and another plot, belonged to one Sundara Mahalingam Nadar and the same was leased to a Burma Shell Company, the erstwhile owner of the respondent establishment. When the Burma Shell Company was nationalised, the first respondent company was formed and lease was continued. According to the petitioner, he purchased the land measuring the entire extent of 3404 sq. ft. on 07.02.1995, as the present owner of the petrol bulk area, leased to the first respondent company and the balance 1178 belong to the legal heirs of Sundara Mahalingam Nadar. According to the petitioner, there is no dispute regarding the ownership of the land.

2.The grievance of the petitioner herein is that the respondent corporation has been in default in payment of rent and



for the last several years, despite demand of enhancement of rent, the same has not been complied with by the respondent corporation. Therefore, the petitioner is before this Court seeking issue of Writ of Mandamus to finalise the rent from January 2015 to December 2015 at a particular rate of rent and the increase of rent at a particular rate of percentage on every third block year.

3.Mr.T.S.R.Venkataramana, learned Counsel appearing for the petitioner would submit that the respondent being a Government of India corporation is bound to pay a fair rent and instead of paying the fair rent they have been paying a very low rent affecting the livelihood of the petitioner. Being a model employer, the respondent Corporation is bound to make payments of a fair rent towards their occupation of the land belonging to the petitioner. Therefore, it is imperative that the demand of the petitioner ought to be complied with.

4.Heard Mr.S.Natesh Raja, learned Counsel appearing for the respondent corporation.

5.This Court is unable to appreciate as to how the Writ Petition could be maintained in a dispute like this as between the petitioner and the respondent corporation. The fixation of rent and enhancement of the same are matters of contractual in nature and the same cannot be a subject matter of relief before a Writ Court exercising its extraordinary jurisdiction under Article 226 of the Constitution of India.

6.In matters like this, the enforcement of any right involves interpretation of contractual obligations of the parties and such enforcement of private rights cannot be brought within the realm of public law remedy. Therefore, the proper remedy for the petitioner is to have recourse to a Civil litigation and workout his remedies in a manner known to law and not to invoke the Writ jurisdiction of this Court and seek the enforcement of private right as between the petitioner and the respondent corporation.

7.For the above said reasons, the Writ Petition is dismissed as not maintainable. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



To

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+1 CC to MR.T.S.R.VENKAT RAMANA, Advocate (SR-5443[F] dated 16/02/2021)

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KM (15.03.2021) 3P 4C