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Writ Petition No.36136 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.36136 of 2016 and
W.M.P.No.31082 of 2016

M/s.Indian Oil Corporation Ltd.,
(Marketing Division),
represented by its
Chief Divisional Retail Sales Manager,
Mr.Ajay Garg
Chennai Divisional Office,
500, Anna Salai, Teynampet,
Chennai - 600 018.

... Petitioner

VS.

1.The State of Tamil Nadu,
represented by its
Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 600 001.

2.The Revenue Divisional Officer,
Tambaram, Chennai.

3.The Tahsildar,
Alandur Taluk,
Alandur, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus forbearing the respondents 1 to 3 from closing



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the Retail Outlet, commissioned on the land measuring an extent of 32844 sq.ft. comprised in Survey No.1943 situated at (presently) St.Thomas Mount Village, Alandur Taluk.

For Petitioner : Mr.Abdul Saleem
for M/s.AAV Partners

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This writ petition is filed seeking issuance of a writ of mandamus to forbear the respondents 1 to 3 from closing the Retail Outlet, commissioned on the land admeasuring 32844 sq.ft. comprised in Survey No.1943 situated at (presently) St.Thomas Mount Village, Alandur Taluk.

2. It is the case of the petitioner that the property comprised in S.No.1943 admeasuring 32844 sq.ft. situated in St.Thomas Mount Village, Alandur Taluk originally belonged to the Revenue Department. Thereafter, the above said land was taken on lease by the petitioner / Corporation / Indian Oil Corporation Limited (for short 'IOCL') from the Revenue authorities in the year 1984 vide G.O.Ms.No.1358 dated 27.07.1988 w.e.f. 10.12.1984 for the purpose of Storage Depot and Service Station with the



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right to erect and maintain all manner of equipments, plant, machinery, tanks, pumps and structures. Soon after the expiry of the lease, IOCL has been following up with the State Government for renewal of lease, upon payment of rental and other particulars as required by the respondents vide letters dated 08.09.2016, 14.09.2016 and 30.09.2016. However, the petitioner's request was not acceded to and the respondents without issuing any notice, threatened to close the Retail Outlet. Hence the present writ petition.

3. Learned counsel appearing for the petitioner submits that though the petitioner / Corporation was granted lease in the year 1984 for a period of 12 years, they are entitled for extension of lease and hence has made several representations before the second respondent seeking renewal of lease. However, the respondents without heeding to the petitioner's request and without issuing any notice to the petitioner / Corporation are threatening to close the retail outlet which is unsustainable. More so, the respondents having collected the lease amount from the petitioner for the year 2016 to 2017, have no authority to close the retail outlet. Accordingly,



he prayed for passing appropriate orders.

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4. Learned Additional Government Pleader appearing for the respondents submitted that admittedly the petitioner / Corporation entered into lease agreement with the Government in the year 1984 and the said lease expired in the year 1996. As per the condition laid in the lease agreement, the rent payable by the petitioner has to be revised every three years, however, the petitioner being a Public Sector Company has not come forward to renew the said lease until 2015, which is *per se* unsustainable. It is further submitted that the petitioner / corporation has let out certain area of the subject property for commercial purposes, which is in contravention of the the aforesaid G.O. Hence this writ petition is liable to be dismissed.

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

6. It is the claim of the petitioner that the petitioner / Corporation entered into a lease agreement with the Government in the year 1984 for the



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aforesaid purpose. In order to renew the said lease, the petitioner's Corporation has made several representations before the second respondent, however, no orders has been passed.

7. Though very many grounds have been taken, however, as pointed out by the learned Additional Government Pleader appearing for the respondents that though the petitioner / Corporation was granted lease for a period of 12 years from the year 1984, which has expired in the year 1996 the petitioner being a Public Sector Company, has not made any attempt to renew the said lease from the year 1987 till 2015 which is *per se* unsustainable. It is the further contention of the learned counsel for the respondents that the petitioner / Corporation has let out the subject property for commercial purpose, also which is in contravention of the terms and conditions laid in the aforesaid G.O. Hence, this Court is not inclined to grant any affirmative order in favour of the petitioner / Corporation.



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8. For the reasons aforesaid, this writ petition deserves to be dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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RAP

Index : Yes/No
Speaking order : Yes/No

To:

- 1.The Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
Fort St.George, Chennai - 600 001.
- 2.The Revenue Divisional Officer,
Tambaram, Chennai.
- 3.The Tahsildar,
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Alandur, Chennai.

M.DHANDAPANI, J.



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