



W.P.Nos.931 & 13295 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.931 & 13295 of 2023

Ravindra Gettu

... Petitioner in both WPs

Vs.

1. Bharat Petroleum Corporation Limited,
Rep. by the Territory Manager,
Southern Regional Office,
1, Ranganathan Garden,
Off 11th Main Road, Anna Nagar,
Chennai – 600 040.

2. Bharat Petroleum Corporation Limited,
Rep. by the Territory Manager (Retail),
No.35, Vaidyanathan Street,
Tondiarpet, Chennai – 600 081.

3. Pauls Auto Service,
Bharat Petroleum Corporation Limited,
No.15, College Road,
Chennai – 600 006.

... Respondents in W.P.No.931
of 2023

1. Chief Controller,
Department of Explosives,
A Block, CGO Complex,
Fifth Floor, Seminary Hills,
Nagpur, Maharashtra – 440 006.



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2. Joint Chief Controller, South Circle,
Department of Explosives,
A and D – Wing, Block 1-8,
Second Floor, Shastri Bhavan,
26 Haddows Road, Nungambakkam,
Chennai – 600 006.
3. Commissioner of Police, Greater Chennai Police,
No.132, Commissioner Office Building,
E.V.K.Sampath Road, Vepery,
Chennai – 600 007.
4. Bharat Petroleum Corporation Limited,
Rep. by the Territory Manager,
Southern Regional Office,
1, Ranganathan Garden,
Off 11th Main Road, Anna Nagar,
Chennai – 600 040.
5. Bharat Petroleum Corporation Limited,
Rep. by the Territory Manager (Retail),
No.35, Vaidyanathan Street,
Tondiarpet, Chennai – 600 081.
6. Pauls Auto Service,
Bharat Petroleum Corporation Limited,
No.15, College Road,
Chennai – 600 006.

... Respondents in
W.P.No.13295 of 2023

Prayer in W.P.931 of 2023: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to vacate and handover the vacant and peaceful possession of the said leasehold premises to the petitioner herein in accordance with



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the notice/representation dated 24.11.2022 and pay the arrears of market rent due to the petitioner herein from 01.11.2022 until the date of delivery of possession.

Prayer in W.P.13295 of 2023: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation dated 20.03.2023 and cancel the license granted to respondents 4 to 6 with respect to the said leasehold premises in accordance with the Petroleum Rules, 2002; and third respondent to consider the representation dated 20.03.2023 and cancel the No Objection Certificate granted to respondents 4 to 6 with respect to the said leasehold premises in accordance with the Petroleum Rules, 2002.

In W.P.No.931 of 2023 :

For Petitioner : Mr.S.Manuraj
For Respondents : Mr.S.Janarthanam
SPCGC [R1 & R2]
Mr.S.Kumar
for M/s.Vijay Anand
Associates [R3]

In W.P.No.13295 of 2023 :

For Petitioner : Mr.S.Manuraj
For Respondents : Mr.S.Janarthanam
SPCGC [R1 & R2]
Mr.S.Kumar
for M/s.Vijay Anand Associates [R3]
Mr.A.L.Somayaji
Senior Counsel



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for M/s.M.Vijayan for M/s.King &
Partridge [R4 & R5]

COMMON ORDER

W.P.No.931 of 2023 has been filed seeking for a Writ of Mandamus, to direct the respondents to vacate and handover the vacant and peaceful possession of the said leasehold premises to the petitioner herein in accordance with the notice/representation dated 24.11.2022 and pay the arrears of market rent due to the petitioner herein from 01.11.2022 until the date of delivery of possession.

2. W.P.No.13295 of 2023 has been filed seeking for a Writ of Mandamus, to direct the respondents 1 and 2 to consider the representation dated 20.03.2023 and cancel the license granted to respondents 4 to 6 with respect to the said leasehold premises in accordance with the Petroleum Rules, 2002 and the third respondent to consider the representation dated 20.03.2023 and cancel the No Objection Certificate granted to respondents 4 to 6 with respect to the said leasehold premises in accordance with the Petroleum Rules, 2002.



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3. The case of the petitioner is that, the property measuring about 7840 sq.ft. situated at No.15, College Road, Chennai – 600 006, (hereinafter called as 'leasehold premises') devolved on the petitioner after the death of his father Late.Varadappa, who had earlier leased the leasehold premises to Burmah Shell Oil Storage and Distributing Company of India Ltd. vide Lease Deed dated 08.07.1963 for a period of 30 years from 01.11.1962 to 31.10.1992. Thereafter, the name of Burmah Shell Refineries Limited was changed to Bharat Refineries Limited in 1976 and it was subsequently, changed to Bharat Petroleum Corporation Limited in 1977. Subsequently, the lease was renewed up to 31.10.2022. While so, the second respondent in W.P.No.931 of 2023 sent a letter to the petitioner seeking to renew the lease for a further period of 29 years from 01.11.2022 and the petitioner by his letter dated 30.03.2022 requested the respondents 1 to 3 (BPCL) in W.P.No.931 of 2023 to vacate and deliver the vacant possession of the said leasehold premises to him on or before 31.10.2022. However, the said respondents (BPCL) did not vacate the said leasehold premises. Hence, the petitioner sent a notice dated 24.11.2022, which evoked no response and till date, the said respondents (BPCL) have not vacated the said leasehold premises.



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Hence, the petitioner filed W.P.No.931 of 2023 before this Court. Even thereafter, the said respondents have not vacated the leasehold premises and continued to remain in unlawful possession. Therefore, the petitioner made a representation dated 20.03.2023 to the third respondent in W.P.No.13295 of 2023 to take necessary action against BPCL in accordance with Rule 150 of the Petroleum Rules and also to cancel the license granted to them in accordance with Rule 152 of Petroleum Rules. Since the same was not considered, the petitioner W.P.No.13295 of 2023 before this Court.

4. The learned counsel for the petitioner submits that the respondents 4 to 6 in W.P.No.13295 of 2023 have not handed over the vacant and peaceful possession of the said leasehold premises to the petitioner even after the termination of the lease, which is not sustainable. Accordingly, he prays for appropriate orders.

5. The learned Senior Counsel appearing for the respondents 4 and 5 in W.P.No.13295 of 2023 submits that the fifth respondent is ready to vacate the said leasehold premises on or before 29.07.2024 and willing



6. The learned Senior Panel Central Government Counsel appearing for the first respondent submits that during the pendency of these writ petitions, the licence granted in favour of the fifth respondent in W.P.No.13295 of 2023 was suspended as an interim measure. Hence, he prays that, this Court may issue direction to the authorities concerned to grant licence in favour of the said fifth respondent up to 29.07.2024, enabling the petitioner to rent the leasehold premises to the said fifth respondent.

(i) the first respondent is direct to restore the licence in favour of the fifth respondent in W.P.No.13295 of 2023 upto 29.07.2024, enabling the them to run the petroleum retail outlet at the leasehold premises till 29.07.2024;



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(ii) the fifth respondent in W.P.No.13295 of 2023 is directed to vacate the leasehold premises and hand over the same to the petitioner on or before 29.07.2024; and

(iii) the said fifth respondent is directed to pay the enhanced rent of Rs.2,50,000/- per month as agreed by them from the month of October, 2022 till vacating and handing over the leasehold premises to the petitioner.

8. With the above directions, these writ petitions are disposed of.

No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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M.DHANDAPANI, J.

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