



W.A.No.1282 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVU

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

.. Appellant

Vs

- 1 The State of Tamil Nadu
rep. 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



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Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 14.10.2022 passed by the learned Single Judge in W.P.No.36136 of 2016.

For the Appellant : Mr.A.L.Somayaji
Senior Counsel
for M/s.AAV Partners

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mr.U.Bharanidharan
Additional Govt. Pleader

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

Heard Mr.A.L.Somayaji, learned Senior Counsel for the appellant and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mr.U.Bharanidharan, learned Additional Government Pleader for the respondents.

2. Learned Senior Counsel of the appellant submits that the appellant had moved a petition before the learned Single Judge with a prayer not to evict the appellant. The appellant is a public sector



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undertaking. The government had granted lease of the writ land to the appellant. The lease had expired in the year 1996. In the year 2000, the rent was increased from Rs.82,000/- to Rs.1,65,532/- and the said rent was being paid regularly by the appellant.

3. Learned Senior Counsel further submits that in the counter filed by the government to the writ petition, the government specifically pleaded that the appellant may be advised to move for extension of lease period from 1996 and to pay lease rent as per revision done every three years by the government. The appellant had made an application on 8.9.2016. However, the government did not respond to the said application and the same is not yet decided.

4. Learned State Government Pleader submits that, in fact, according to the condition laid in the lease, the rent has to be revised every three years. The lease amount has to be revised in the years 1987, 1990, 1993, 1996, 1999, 2000, 2003, 2006, 2009, 2012 and 2015, but no such revision of lease was done. A sum of



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Rs.1,65,532/- is collected for every fasli based on audit objection by the Auditor General, Madras. The revision of lease rent proposal is also sent to the government. According to learned State Government Pleader, the appellant has not approached the government.

5. The prayer made by the present appellant before the learned Single Judge is that respondents 1, 2 and 3 shall not close the retail outlet commissioned on the writ land. The writ land is taken by the present appellant on lease. The period of lease admittedly was up to the year 1996. Subsequently, there is no written renewal of the lease, though it is submitted that in the year 2000, the rent was enhanced to Rs.1,65,532/- per year. However, the fact remains that there is no document evidencing the renewal of lease. In the absence of any covenant between the parties, the learned Single Judge has not committed any error by passing the impugned order.

6. It is a fact that the appellant is a public sector undertaking



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and the respondent is the government. It would amount to one arm of the government fighting against its other arm. It is for the appellant and the respondent State to resolve the issue amongst themselves. Naturally, it is for the appellant to take appropriate steps in that regard.

With these observations, writ appeal is disposed of. There will be no order as to costs. Consequently, C.M.P.Nos.12844 and 12845 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

26.06.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

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



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Alandur Taluk
Alandur, Chennai.

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU,J.

(sasi)

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