



WEB COPY



W.P.No.8438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.8438 of 2023 and

W.M.P.No.8629 of 2023

K.N.Sivakumar

...Petitioner

VS.

M/s.Indian Oil Corporation Ltd.,
Represented by its Divisional Retail Head,
Divisional Office, Avinash Road,
Coimbatore – 641 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorari calling for the records of the respondent made in
Ref.M/2019/IN005522/TN/000278/4101/00047/SCN1, dated 11.03.2023.

For Petitioner : Mr.S.Mohamed Uduman

For Respondent : Mr.Mohammed Rayaz Ali

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of
Certiorari to call for the records of the respondent made in
Ref.M/2019/IN005522/TN/000278/4101/00047/SCN1, dated 11.03.2023.



W.P.No.8438 of 2023

2. The case of the petitioner is that the respondent has issued a notification dated 25.11.2018 inviting applications for selection of retail outlet dealership for Scheduled Caste Category in Kolanjivadi and Kolathupalayam, Tirupur State, for which the petitioner made an application under Group II Category. Thereafter, the respondent issued a Letter of Intent dated 17.02.2020 on adumbrated terms and condition and the petitioner has entered into two lease deeds dated 21.09.2020 and 08.09.2020 respectively with the land owner for a period of 19 years and 11 months to run the Retail Outlet Petrol Bunk of Indian Oil Corporation Limited. After the completion of the procedural formalities, the District Revenue Officer, Tiruppur has issued “No Objection Certificate on 10.03.2022. However, the respondent issued an impugned notice dated 11.03.2023 stating that the petitioner has failed to comply with certain terms and condition imposed in the Letter of Intent and intimated its intention to withdraw the Letter of Intent without issuing any notice. Aggrieved over the same, the present writ petition has been filed.

3. Learned counsel for the petitioner submitted that though the



W.P.No.8438 of 2023

respondent has instructed the petitioner and the landlord to enter into a tripartite agreement with the stipulation that the rental amount to be fixed at Rs.3500/- per month for the 1st three years and thereafter 10% increase for every three years, the landlord has certain inhibition with the stipulated clause. While so, without issuing any notice the respondent issued an impugned notice dated 11.03.2023, stating that the petitioner has failed to comply with the terms and conditions imposed in the Letter of Intent and intimated its intention to withdraw the Letter of Intent is not sustainable. Hence this Court may direct the respondent to extend the time limit for execution of Tripartite lease agreement as per the Letter of Intent within the time frame that may be fixed by this Court.

4. Learned counsel appearing for the respondent submitted that though the petitioner was given an opportunity for execution of Tripartite lease deed as per the terms and conditions agreed by him, he has not come forward for signing of the tripartite lease agreement, which is considered as violation of Clauses 2 and 10 of the Letter of Intent. While so, the impugned notice dated 11.03.2023 was issued against the petitioner.



W.P.No.8438 of 2023

5. Heard the arguments advanced on either side and perused the materials available on record.

6. Considering the limited request sought for by the learned counsel appearing for the petitioner, this Court is inclined to issue a direction to the respondent to extend the time limit for execution of tripartite lease agreement for a period of three weeks from the date of receipt of a copy of this order, and on such extension being made the petitioner shall execute the said tripartite agreement. If the petitioner fails to execute such agreement, the respondent is at liberty to pass appropriate orders in the manner known to law.

7. This Writ Petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

17.03.2023
(1/2)

RAP
Index : Yes/No
Speaking order : Yes/No

Note : Issue Order copy on 20.03.2023



W.P.No.8438 of 2023

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To

M/s.Indian Oil Corporation Ltd.,
Represented by its Divisional Retail Head,
Divisional Office, Avinash Road,
Coimbatore – 641 018.



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W.P.No.8438 of 2023

M.DHANDAPANI, J.

RAP

W.P.No.8438 of 2023

17.03.2023

(1/2)