



W.P.No.9284 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9284 of 2020

and W.M.P.Nos.11314, 11315 & 11317 of 2020

M/s.Indian Oil Corporation Limited,
Represented by the Chief Divisional RetailSalesManager,
Marketing,
Indian Oil Bhavan,
No.8/1079, Avinashi Road,
Coimbatore-641018.

. . . Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Public Works Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Chief Engineer (Buildings)
Public Works Department,
Contonment, Trichy Division,
Trichy-620 020.
3. The Superintending Engineer,
Public Works Department,
Buildings (C & M) Circle,
Coimbatore-641 001.



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4. The Executive Engineer,
Public Works Department,
Buildings (C & M) Division,
Erode-638 011.

5. The Assistant Engineer,
Public Works Department,
Buildings (C & M) Town Section,
Tiruppur Division,
Tiruppur-641 603.

. . . Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ or order or direction in the nature of Writ of Certiorarified Mandamus calling for the records pertaining to the issuance of proceedings in Letter No.829/Tha 2/2018 (57/2015) dated 31.01.2020 on the filed of the 4th respondent consequently direct the respondents to re-determine the lease rentals in accordance with law.

For Petitioner	: M/s.M.Vijayamehanath
For Respondents	: Mrs.M.Senthil Selvi, Government Advocate

ORDER

Aggrieved by the impugned order of the 4th respondent, the petitioner is before this Court

2. It is the case of the petitioner that the petitioner corporation entered into a lease agreement with the Government for setting up of retail



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outlets on payment of rent on monthly basis. Alleging default in payment of monthly rent, a letter was issued to the petitioner in terms of G.O.(Ms).No.315, Public Works Department, dated 24.10.2008 claiming monthly rental arrears to the tune of Rs.4,52,74,122/- for the period from 01.04.1996 to 31.03.2018. However, the petitioner sought for re-determination of the demand amount as also for renewal of lease agreement vide letter dated 26.06.2018 to the 1st respondent, pursuant to which, a detailed report was sent to the 2nd respondent for re-determination of the demand amount, however, without considering the petitioner's request as well as the rent so far paid by the petitioner, the 2nd respondent has passed the present impugned order demanding a sum of Rs.5,23,18,396/- from the petitioner towards rental arrears for the period from 01.04.1996 to 31.01.2020. Aggrieved by the exorbitant demand made by the respondents, the petitioner has come up with this Writ Petition.

3. Learned counsel for the petitioner submitted that though the respondents have raised the impugned demand towards the rental arrears, however, no details have been furnished to the petitioner as to the calculation of the said demand. Since, the claim made by the respondents is



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exorbitant, the same shall be re-determined and a fresh calculation sheet may be furnished to the petitioner as to the revised claim.

4. Learned Government Advocate appearing on behalf of the respondents submitted that though it is the claim of the petitioner that the calculation sheet relating to the demand amount has not been furnished by the respondent, however, it is to be pointed out that a detailed letter dated 16.04.2018 was already served on the petitioner along with the calculation sheet as to how the demand amount has been arrived. Therefore, the demand amount quantified by the respondents cannot be said to be exorbitant as it has been quoted only on the basis of G.O.(Ms).315. Accordingly, he prays for dismissal of this Writ Petition.

5. This Court heard the learned counsel appearing on either side and perused the materials available on record.

6. Admittedly, the petitioner is the lessee of the land taken from the Government for setting up of petroleum outlets vide G.O.Ms.No.177, Public Works Department dated 02.02.1968 fixing the monthly rent at 7%



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of the market value of the land in terms of G.O.Ms.No.353, Public Works (H1) Department dated 21.07.2000. Due to some default in payment of rental arrears, the petitioner has been issued with the present impugned order dated 31.01.2020.

7. Though, the petitioner claims that exorbitant demand has been made by the respondents towards the rental arrears, however, it is case of the respondents the said demand is arrived only on the basis of G.O.Ms.No.315, Public Works Department, dated 24.10.2008 and the said G.O has not been challenged till date. Without challenging the above said G.O, challenging the demand amount is not sustainable.

8. However, it is the case of the petitioner that no opportunity of personal hearing was given to the petitioner before the demand was arrived at and has not been provided with the details of the computation. In such circumstances, in order to give quietus to the issue, the petitioner is directed to deposit 50% of the demand amount within a period of twelve weeks from the date of receipt of a copy of this order. Upon receipt of such payment, the respondents are directed to re-determine the demand amount in terms of



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G.O.(Ms).No.315 after affording an opportunity of hearing to the petitioner and pass appropriate orders in accordance with law.

9. Accordingly, this Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

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Index : Yes / No

Internet : Yes / No

NHS



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To

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Public Works Department,
Secretariat, Fort St. George,
Chennai-600 009.
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M.DHANDAPANI, J

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