



W.P.No.17872 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.17872 of 2023

Disha Filling Station,
Dealer of Hindustan Petroleum Corporation Ltd.,
Rep. by its Partners
(1) Pratap Chandra Mallick (2) Mr.Ramesh,
No.442/4, Arcot Road, Porur, Chennai-600 116.

...Petitioner

Vs.

1. The Regional Manager,
The Hindustan Petroleum Ltd.,
“Petro Bhavan” 2nd Floor,
No.82, T.T.K.Road, Alwarpet
Chennai - 600 018.
2. M/s. Woods India Negotiations,
Rep. by its Managing Partner,
M.Sobitha Kumar,
No.S1, S2 Loka Aloka Apartment,
566/920, P.H.Road, Arumbakkam,
Chennai - 600 106.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to give at least six months time to vacate the said premises by this Honble court.



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For Petitioner : Mr.Lakshmi Raja
for M/s.Lakshmi Raja and Associates

For Respondents : Mr.Mohammed Fiyaz Ali, for R1
: Mr.David Thyagarajan, for R2

ORDER

This Writ petition has been filed seeking issuance of a direction to the 1st respondent to give at least six months time to vacate the subject premises.

2. The case of the petitioner is that the petitioner is running a Filling Station in the land owned by the 2nd respondent, comprised in S.No.442/4, measuring an extent of 7680 sq.ft., situated at Maduravoyal, Ambattur. However, due to some tenancy dispute between the respondents herein, eviction was ordered by the competent court. However, all of a sudden, on 05.06.2023, the petitioner received a communication from the 1st respondent, informing the petitioner that, the subject land is under litigation and directed the petitioner to vacate the subject premises within a period of one week. Hence, the petitioner has come up with this Writ petition.



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3. Though very many grounds have been raised, learned counsel for the petitioner fairly submitted that, the petitioner has found an alternative place in Kattupakkam Village and ready to move the entire machineries within a period of six months. Hence, he submitted that, it would suffice, if this Court grants six months time to vacate the subject premises and hand over the same to the 2nd respondent.

4. Learned counsel appearing for the 1st respondent submitted that, due to tenancy dispute, the eviction order was passed by the competent court and necessarily the petitioner has to vacate the subject premises and hand over the same to the 2nd respondent.

5. Learned counsel for the 2nd respondent submitted that, the 2nd respondent company is a partnership firm and it is the owner of the property comprised in S.No.442/4, measuring an extent of 7680 sq.ft., situated at Maduravoyal, Ambattur, who entered into a lease agreement with one M/s.J.K.Petroleums on 15.09.2000 in respect of the above said land for a period of 20 years. The said M/s.J.K.Petroleum, entered into a sub-lease agreement with the 1st respondent and is running a petroleum outlet in the



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said property, after obtaining necessary license. While so, due to some irregularities and malpractices committed by the M/s.J.K.Petroleums, the 1st respondent terminated the license granted in favour of the said M/s.J.K.Petroleums. Since monthly rent was not paid, the 2nd respondent filed a suit in O.S.No.64 of 2015 on the file of the Subordinate Judge, Poonamallee, which was decreed in their favour. Despite the above said order, vacant possession of the land was not handed over to the 2nd respondent. Hence, he submitted that, it would suffice, if this Court issues direction to the petitioner to vacate the premises within a particular time frame fixed by this Court.

6. Heard learned counsel on either side and perused the material documents placed on record.

7. In view of the fair submission made by the learned counsel on either side, this Court without expressing any opinion on the merits of the case, directs the petitioner to move the entire machineries to the alternative place and hand over the vacant possession of the subject premises to the 2nd respondent within a period of four months from the date of receipt of a copy



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of this order, failing which, the jurisdictional Law enforcing agency is directed to evict the petitioner from the subject premises and hand over the subject premises to the 2nd respondent, within a period of two weeks thereafter.

8. With the above observations and directions, this Writ petition stands disposed of. No costs.

27.06.2023

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

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