



WEB COPY



W.P.No.21037 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.21037 of 2023
and W.M.P.No.20411 of 2023

P.Jothi

... Petitioner

Vs.

1.The Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Attur,
Salem District.

3.The Divisional Manager,
Indian Oil Corporation Ltd.,
234, SDLOA Building 1st Floor,
Bangalore Bye Pass Road,
Kondalampatti,
Salem-636 010.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 3rd respondent to remove all apparatus of



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the 3rd respondent pertaining to the petroleum outlet in the land of the petitioner situated in S.No.122/2A of Narasingapuram Village, Attur Taluk, Salem District in Patta No.1133.

For Petitioner : Mr.S.Doraiswamy

For Respondents : Mrs.Senthil Selvi
Government Advocate for R1 and R2

Mr.Anantha Natarajan
for R3

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has moved this petition for a Writ of Mandamus to remove the petroleum outlet that is claimed to be on the petitioner's land, which she asserts belongs to her.

3.Mr.Anantha Natarajan, the learned counsel for the third respondent, on instruction, submitted that the lease deed was executed by certain K.V.Chandra



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Mohan and K.V.Mohanasundaram, both of whom are sons of one Varadarajulu Naidu, in favour of M/s.IBP Company Limited on 07.08.2003, which was later take over by the third respondent.

4.Now, considering the fact that the petitioner obtained a decree in O.S.No.267 of 1998, dated 19.06.2001, the third respondent may have to address the issue raised by the petitioner.

5.Learned counsel for the petitioner submitted that a representation dated 05.05.2023, to that effect is also pending consideration before the third respondent.

6.This Court also finds that the petitioner obtained the decree in the year 2001, the lease deed is dated 07.08.2003, and he has come before this Court in 2023, some 20 years after the execution of the lease deed. This Court wonders what the petitioner was doing all these years.



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N.SESHASAYEE, J.
Anu

7.This writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

04.08.2023

Anu
Index : Yes / No
Neutral Citation
To

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