



W.P.No.32423 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.32423 of 2019
and WMP.Nos.32742 & 32744 of 2019

M/s.Vangili Feeds
Represented by its Managing Partner,
Mr.V.Subramaniam

... Petitioner

Vs.

1. Indian Oil Corporation Limited,
Represented by its Senior Divisional Manager,
Salem Divisional Office,
No.234, I Floor,
NH-7, Salem-Bangalore Bye-pass Road,
Kondalampatti,
Salem 636 010.
2. Licensing Authority-cum-Chief Controller of Explosives,
No.26, Shastri Bhavan,
Block 1-8 Wing A & D 2nd Floor,
Haddows Road, Nungambakkam,
Chennai 600 034.
3. The District Collector,
Collectorate,
Namakkal.
4. M/s.Vangili Fuels
Represented by its Managing Partner,
V.Manikandan

... Respondents



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PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the third respondent, District Collector, Namakkal, not to issue "No Objection Certificate" facilitating renewal of the license issued to the first respondent Corporation and directing the second respondent Authority not to renew the license issued to the first respondent Corporation in Licence No.P/SC/TN/14/2086(P36113) dated 21.02.2017, valid up to 31.12.2019 which ceased to hold its right over the site belonging to the petitioner herein in which the first respondent Corporation operates their petrol bunk, situate in old Survey No.18/3 & 18/4, Vagurampatti Village, Trichy Main Road, Namakkal Town, Namakkal Taluk and District by considering the representation of the petitioner dated 02.10.2019.

For Petitioner : Mr.R.Senthil

For Respondents

for R1 : Mr.V.Anantha Natarajan
for R2 : No Appearance
for R3 : Mr.C.Kathiravan, SGP
for R4 : Mr.A.Manoj Kumar



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ORDER

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The petitioner herein is a partnership firm and it has leased a site belonging to it to the first respondent for a term of 20 years. The lease commenced in September, 1999, and the lease term ended in September 2019. The petitioner submits that thereafter the lease was not renewed.

2.The fourth respondent herein is a dealer of the first respondent and its counsel submits that it has not been doing any business after the expiry of the lease term. In other words, the first respondent seems to be holding on to the property without doing any business for the last four years or so.

3.The learned counsel for the first respondent now submits that during the pendency of this petition, Vide communication dated 27.10.2022 the petitioner has demanded a sum of Rs.1,75,000/- per month as rentals and this has been accepted. He has also filed a counter affidavit to that effect.

4.The learned counsel for the petitioner submitted that he has not been instructed and he is unable to obtain necessary instructions in this matter.



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5. On face of it, this Court has little to suspect the copy of the communication dated 27.10.2022 purported to have been sent by the petitioner. This appears to be the stance of the petitioner taken after the filing of this petition. In view of this development, this Court merely considers that nothing requires to be decided in this petition for the present and accordingly, it is closed.

6. Learned counsel for the first respondent is now directed to circulate a copy of the communication dated 27.10.2022 to the petitioners counsel and in the eventuality of the petitioner finding the said document to be fabricated, then it is free to approach this Court with a fresh Writ Petition challenging the same.

7. Further, the first respondent is also directed to issue a communication confirming the offer made by the petitioner, both to the petitioner and also its counsel here, within a period of two weeks from today. It is evident that the said offer was made by the petitioner on 27.10.2022. It will now imply that the first respondent, if he accepts this offer, is required to pay the rent at the rate which the petitioner demands from November, 2021.



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8.This Writ Petition is closed. No costs. Consequently, connected miscellaneous

petitions are closed.

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pvs / Tsg

Index : Yes / No

Neutral citation : yes/no

To

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N.SESHASAYEE, J.



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