



W.P.(MD) No.5675 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.5675 of 2020

Dhanalakshmi

.. Petitioner

Vs.

- 1.The Union of India,
Rep., by its Secretary,
Ministry of Petroleum and Natural Gas,
Government of India,
Sasthri Bhavan, New Delhi-110 001.
- 2.The Bharath Petroleum Corporation Ltd.,
Rep., by its Territory Manager,
No.1, Renganathan Garden,
11th Main Road, Anna Nagar,
Chennai-600 040.
- 3.The Regional Manager (Retail),
Bharathi Petroleum Corporation Ltd.,
Raj Towers, Kalaignar Arivalayam (Near),
Karur Bye Pass Road,
Trichy-620 002.

4.KR.Ghanasekaran

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, directing respondents 2 and 3



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to consider petitioner's representation dated 29.11.2019 and consequently direct respondents 2 and 3 to stop the supply of petroleum products to the fourth respondent herein running a petrol bunk in the name and style of KR fuels at Maharaja Samuthiram Village, Pattukkottai Taluk, Thanjavur District.

For Petitioner	:	Ms.Juliet Caroline
For R1	:	Mr.V.Malaiyendran Panel Counsel
For R4	:	Mr.T.Pon Ramkumar
For RR2 & 3	:	No appearance

ORDER

The above writ petition is filed for a Mandamus directing respondents 2 and 3 to consider the petitioner's representation dated 29.11.2019 and consequently direct them to stop supply of petroleum products to the fourth respondent, which is running a petrol bunk in the name and style “KR Fuels”.

2. It is the petitioner's case that her husband, Govindasamy Konar was the owner of the property situated in S.F.No.328/1, Maharaja



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Samuthiram Village, Pattukottai Taluk, Thanjavur District. Her husband and the fourth respondent herein had entered into a lease agreement in respect of the land and thereafter, the fourth respondent had established a petrol bunk in the name and style “KR Fuels” and has been doing business in this property from the year 2011 onwards. The petitioner would submit that the fourth respondent was highly irregular in the payment of the rents. However, the petitioner's husband was not taking serious action against this default. While so, the petitioner's husband died on 18.10.2018 leaving behind him surviving the petitioner and others as his legal representatives. After his demise, the petitioner and the other legal heirs had issued a notice to the fourth respondent intimating him about the death of Govindasamy Konar and requesting him to enter into a fresh agreement with the petitioner. The fourth respondent, who received the said notice, had not bothered to reply to the same or to make the payments.

3. The petitioner would submit that since the fourth respondent was not coming forward to pay the rent, she has terminated the lease



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entered into with the fourth respondent vide her legal notice dated 18.11.2019. This was followed by a detailed representation to respondents 2 and 3 to take steps to vacate the premises. Since there was no response, the writ petition has been filed.

4. A reading of the contents of the affidavit would clearly show that the petition is nothing but an attempt to collect the rental arrears from the fourth respondent and to take possession of the property. A Writ Court cannot go into the question of evicting tenants for which there is a separate legislation and a separate Court. Therefore, this Writ Petition, though the relief has been cleverly couched, cannot be entertained and is accordingly dismissed. No costs.

10.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

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To

The Secretary to Government,
Union of India,
Ministry of Petroleum and Natural Gas,
Government of India,
Sasthri Bhavan, New Delhi-110 001.



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P.T.ASHA, J.

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