



W.P.(MD)Nos.14501 of 2016 and W.P(MD).No.8350 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.14501 of 2016 and 8350 of 2017

and

W.M.P(MD).Nos.10756 and 10757 of 2016

P.C.N.M.Abdul Wahab,
Managing Trustee of P.C.Naina Mohammed Wakf Trust,
Chettinayakanpatti,
Dindigul District. ... Petitioner in both W.Ps

versus

- 1.The Chief Controller,
Department of Explosive,
No.140, Rukmani Lakshmipathy Marshalls Road,
Egmore, Chennai-8.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.Bharat petroleum Corporation Limited,
Bharat Bhavan,



W.P.(MD)Nos.14501 of 2016 and W.P(MD).No.8350 of 2017

4 & 6 Currimbhoy Road,
Ballard Estate,
P.B.No.688,
Mumbai-400 001.

4.Bharat petroleum Corporation Limited,
No.1, Renganathan Gardan,
Post Box No.1212 & 1213,
Anna Nagar West,
Chennai-40.
Represented through its Senior Manager

5.Kaleel Ahamed
Managiant Trustee of P.C.Naina Mohammed Wakf Trust,
Chettinayakanpatti,
Dindigul District.

6.Habeeb Rahman
Managiant Trustee of P.C.Naina Mohammed Wakf Trust,
Chettinayakanpatti,
Dindigul District.

7.Mohamed Kamaludeen,
Managiant Trustee of P.C.Naina Mohammed Wakf Trust,
Chettinayakanpatti,
Dindigul District.

... Respondents in W.P.(MD).No.14501 of 2016

(R5 to R7 are impleaded vide Court order dated 20.02.2023 in
W.M.P(MD).No.19127/2017 in W.P(MD).No.14501/2016.)

1.The Chief Controller,
Department of Explosive,



W.P.(MD)Nos.14501 of 2016 and W.P(MD).No.8350 of 2017

No.140, Rukmani Lakshmipathy Marshalls Road,
Egmore, Chennai-8.

- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The District Revenue Officer,
Dindigul District,
Dindigul.
- 4.The Revenue Divisional Officer,
Dindigul Taluk,
Dindigul.
- 5.The Superintendent of Police,
Dindigul District,
Dindigul.
- 6.Bharat petroleum Corporation Limited,
Bharat Bhavan,
4 & 6 Currimbhoy Road,
Ballard Estate,
P.B.No.688,
Mumbai-400 001.
- 7.Bharat petroleum Corporation Limited,
No.1, Renganathan Gardan,
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W.P.(MD)Nos.14501 of 2016 and W.P(MD).No.8350 of 2017

8.Kaleel Ahamed

Managiant Trustee of P.C.Naina Mohammed Wakf Trust,
Chettinayakanpatti,
Dindigul District.

9.Habeeb Rahman

Managiant Trustee of P.C.Naina Mohammed Wakf Trust,
Chettinayakanpatti,
Dindigul District.

10.Mohamed Kamaludeen,

Managiant Trustee of P.C.Naina Mohammed Wakf Trust,
Chettinayakanpatti,
Dindigul District.

... Respondents in W.P.(MD).No.8350 of 2017

(R8 to R10 are impleaded vide Court order dated 20.02.2023 in
W.M.P(MD).No.19127/2017 in W.P(MD).No.8350/2017.)

Prayer in W.P(MD).No.14501 of 2016:-Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the 3rd and 4th respondent corporation to vacate, surrender, deliver and hand over the vacant possession of the petitioner's property in S.No.436/1-11 and 437/2, totaling 13,816 Sq.ft of Chettinayakanpatti Village, Dindigul to the petitioner and consequently direct the respondents 3 and 4 to pay suitable compensation for their unlawful possession from 01.11.2015 to till date in the above mentioned property.



W.P.(MD)Nos.14501 of 2016 and W.P(MD).No.8350 of 2017

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Prayer in W.P(MD).No.8350 of 2017:-Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the responden Nos.1 to 5 to forthwith cancel the licence and no objection certificate issued to the 7th respondent corporation for the purpose of running a petro bulk in the name and style of Bharath Petroleum corporation limited in the site owned by the petitioner's in S.Nos.436/1-11 and 437/2, totaling 13,816 Sq.ft of Chettinayakanpatti Village, Dindigul District within a time frame as fixed by this Court.

For Petitioner (In both W.Ps)	: Mr.S.Sukumar
For Respondent (In both W.Ps)	: Mr.S.Jeyasingh for R1 Mr.J.K.Gunaseelan for R2 Government Advocate Mr.Nakesh Raja for R3 and R4 Mr.K.Hema Karthikeyan for R5

COMMON ORDER

The petitioner, the Managing Trustee of PC.Naina Mohammed Wakf Trust, Dindigul has filed these writ petitions WP(MD)No.14501 of 2016 for



W.P.(MD)Nos.14501 of 2016 and W.P(MD).No.8350 of 2017

a writ of mandamus to direct the respondents 3 and 4 Petroleum Corporation to vacate, surrender, deliver and hand over the vacant possession of the petitioner's property in S.nos.436/1-11 and 437/2 totalling to 13,816 Sq.Ft of Chettinayakkanpatti Village, Dindigul and WP(MD)No.8350 of 2017 is filed for a mandamus to direct the respondents 1 to 5 to cancel the licence and no objection certificate issued to the respondent Corporation.

2.The learned Counsel for the petitioner submits that the petitioner's Trust entered into a registered lease agreement with the respondent Corporation on 05.02.1994 for a period of 21 years for the property in S.Nos.436/1-11 and 437/2 totalling to 13,816 Sq.Ft of Chettinayakkanpatti Villag, Dindigul. The erstwhile Trustee one P.C.Mohammed Sherif entered into a lease agreement with the respondent Bharat Petroleum Corporation, Chennai on 05.12.1994 in respect of petroleum products, pump services, filling station etc., for a period of 21 years. Accordingly, the lease period was over on 31.10.2015 and the Trust is not inclined to extend the lease. Therefore the petitioner / Managing Trustee has directed the respondent Corporation to hand over the vacant possession by removing the fixtures



W.P.(MD)Nos.14501 of 2016 and W.P(MD).No.8350 of 2017

thereon. However it was not acted upon. Therefore, the petitioner has filed these writ petitions in (i) WP(MD)No.14501 of 2016 for a mandamus to direct the respondents 3 and 4 Petroleum Corporation to vacate, surrender, deliver and hand over the vacant possession of the petitioner's property in SNos.436/1-11 and 437/2 totalling to 13,816 Sq.Ft of Chettinayakkanpatti Villag, Dindigul and (ii) WP(MD)No.8350 of 2017 for a mandamus to direct the respondents 1 to 5 to cancel the licence and no objection certificate issued to the respondent Corporation.

3.Three other Trustees of the petitioner's trust have filed WMP(MD)Nos.19127 and 1921 of 2017 to implead them as respondents in these writ petitions. The impleading petitions have been allowed by order dated 20.02.2023. The newly impleaded respondents have taken a specific stand that they are inclined to extend the lease, however, the Managing Trustee without any authorisation from other Trustees has filed these writ petitions.



W.P.(MD)Nos.14501 of 2016 and W.P(MD).No.8350 of 2017

4. In view of the stand taken by the other Trustees, these writ petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed. No Costs.

02.03.2023

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

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The District Revenue Officer,
Dindigul District,
Dindigul.
- 3.The Revenue Divisional Officer,
Dindigul Taluk,
Dindigul.
- 4.The Superintendent of Police,
Dindigul District,
Dindigul.



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W.P.(MD)Nos.14501 of 2016 and W.P(MD).No.8350 of 2017

B.PUGALENDHI, J.

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W.P.(MD)Nos.14501 of 2016 and 8350 of 2017
and
W.M.P(MD).Nos.10756 and 10757 of 2016

02.03.2023