



W.P.(MD)Nos.25169 and 25387 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:19.10.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)Nos.25169 and 25387 of 2023
W.M.P.(MD) Nos.21386 and 21550 of 2023

W.P.(MD)No.25169 of 2023:

Indian Oil Corporation Ltd.,
Rep. by its Senior Manager Retail Sales,
Trichy Divisional Office,
“Triveni” III Floor, B-35,
Shastri Road, Thillai Nagar,
Trichy – 620 018.

...Petitioner

-Vs.-

- 1.The District Collector,
Trichy District,
Trichy – 620 001.
- 2.The Assistant Divisional Engineer,
Highways (Construction and Maintenance),
Trichy – 620 020.

- 3.The District Revenue Officer,
Trichy.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of a Writ of Certiorarified Mandamus, to call for the



W.P.(MD)Nos.25169 and 25387 of 2023

records pertaining to the impugned order dated 11.10.2023 issued by the 2nd respondent as illegal, void and without jurisdiction and quash the same and consequently, to direct the respondents 1 & 3 not to dispossess the lawful possession of the petitioner in respect of property in S.F.No. 38/11 B, Sengulam Village, Trichy Taluk Trichy District.

For Petitioner : Mr.Vallinayagam
Senior Counsel
for Mr.K.Muraleedharan

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General
Assisted by
Mr.S.Shanmugavel,
Additional Government Pleader

W.P.(MD)No.25387 of 2023:

Ramanathan,
Partner,
M/s.Shri Meenakshi Service Station,
T.V.S. Toll Gate,
Trichy – 20.

...Petitioner

-Vs.-

1.The District Collector,
Collectorate,
Trichy District,
Trichy.

2.The Assistant Divisional Engineer,
State Highways Department,
(Construction and Maintenance),
Tiruchirappalli – 20.



W.P.(MD)Nos.25169 and 25387 of 2023

3.The District Revenue Officer,
Collectorate,
Trichy.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari Mandamus, to call for the records relating to the impugned eviction order made by the 2nd respondent in his proceedings dated 11.10.2023 qua the land in which the petitioner's petroleum retail outlet is being operated in T.S.No.7, Old S.F. No.38/1B, Senkulam Village, Trichy is concerned and quash the same.

For Petitioner : Mr.Vallinayagam
Senior Counsel
for Mr.K.Muraleedharan
and Mr.M.Mahaboob Athiff

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General
Assisted by
Mr.S.Shanmugavel,
Additional Government Pleader

COMMON ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

The petitioner in W.P.(MD) No.25169 of 2023 is the Indian Oil Corporation. The licensee from the Indian Oil Corporation running the Petrol Bunk is the petitioner in W.P.(MD) No.25387 of 2023. In both the Writ Petitions, the order that is being impugned is the proceedings of the



W.P.(MD)Nos.25169 and 25387 of 2023

Assistant Divisional Engineer, namely, the second respondent, treating the petitioners as encroachers and calling upon them to surrender vacant possession of the property.

2. There is no dispute that the land belongs to the Highways Department. An extent of 0.74 acres in Sengulam Village of Trichirappalli Taluk, Trichirappalli District, was given under licence by the District Collector to the Indian Oil Corporation on 10.04.1969. The purpose of the licence was to run Petrol Vending Unit in and over the land. The Indian Oil Corporation has been running the said Unit from 1969 till date through the private dealer.

3. In terms of the licence that has been granted, the District Collector could revoke the licence by issuing a notice of a period of one month and when such notice is given, it is the duty of the licensee viz., the Indian Oil Corporation to vacate the premises and surrender the same. The Assistant Divisional Engineer seems to have issued the notice without prior revocation of the licence by the District Collector.



W.P.(MD)Nos.25169 and 25387 of 2023

4. When the matter came up for admission on 17.10.2023, we pointed out this lacuna and this has immediately been rectified by the District Collector by revoking the licence through a Show Cause Notice dated 18.10.2023. By that letter, one month notice is given. This is in terms of the conditions of licence dated 10.04.1969.

5. Therefore, leaving it open to the petitioner in W.P.(MD) Nos. 25169 and 25387 of 2023 to respond to the Show Cause Notice, these Writ Petitions are disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[S.M.S.J.] & [V.L.N.J.]
19.10.2023

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

To

1.The District Collector,
Trichy District,
Trichy – 620 001.

2.The Assistant Divisional Engineer,
Highways (Construction and Maintenance),
Trichy – 620 020.



WEB COPY



W.P.(MD)Nos.25169 and 25387 of 2023

S.M.SUBRAMANIAM, J.
AND
V. LAKSHMINARAYANAN, J.

SJ

3.The District Revenue Officer,
Trichy.

W.P.(MD)Nos.25169 and 25387 of 2023

19.10.2023