



W.P.No.28631 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28631 of 2024

And

W.M.P.No.31227 of 2024

1.E.Kannan
2.K.Sathish

... Petitioners

Vs.

1.The Controller of Explosives
Petroleum and Explosives
Safety Organisation (PESO)
No.3, 5th East Cross Road,
Gandhi Nagar,
Vellore – 632 006.

2.The District Revenue Officer
Dharmapuri District,
Collectorate Complex,
1st Floor, Salem Main Road,
Near Superintendent of Police Office
Dharmapuri District – 636 705.

3.M/s.Bharat Petroleum Corporation Ltd.,
Rep. by The Territory Manager (Retail)
Bharat Petroleum Corporation Limited,
Karur Territory Office,
Athur & Kadapparai Village,
Erode Road,
Athur Post,
Karur District – 639 002.

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to cancel the Final Explosives Licence No.P/SC/TN/14/2820(P52911) dated 20.12.2022, valid up to 31.12.2025, and the No Objection Certificate No.35785 /06/C2 dated 05.12.2006 issued to the third respondent for operating a Petroleum Retail Outlet at S.No.390/7, Vellegoundanpalayam Village, Dharmapuri Taluk, Dharmapuri District- 636 702 and consequently direct the third respondent to hand over physical vacant possession of the above premises to the petitioners and pay arrears of Rent from the expiry of the lease agreement @ Rs.3.50 Lakhs per month, within a prescribed time limit.

For Petitioner : Mr.V.B.R.Menon

For Respondents : Mr.A.Kumaraguru for R1
Mr.U.Baranidharan for R2
Additional Government Pleader
Mr.V.Anantha Natarajan for R3

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to cancel the



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Final Explosives Licence No.P/SC/TN/14/2820(P52911) dated 20.12.2022, valid up to 31.12.2025, and the No Objection Certificate No.35785 /06/C2 dated 05.12.2006 issued to the third respondent for operating a Petroleum Retail Outlet at S.No.390/7, Vellegoundanpalayam Village, Dharmapuri Taluk, Dharmapuri District-636 702 and consequently direct the third respondent to hand over physical vacant possession of the above premises to the petitioners and pay arrears of Rent from the expiry of the lease agreement @ Rs.3.50 Lakhs per month, within a prescribed time limit.

2.The learned counsel appearing for the petitioner submitted that the first petitioner is the partner of M/s.T.R.Ethirajulu Naidu & Son, a registered firm which operates petroleum retail outlet at S.No.390/7, Vellegoundanpalayam Village, Dharmapuri Taluk, Dharmapuri District under a dealership agreement with the third respondent. The second petitioner is the son of the first petitioner and the owner of the petrol pump site pursuant to the execution of the registered settlement deed dated 16.02.2023 by the first petitioner.

3.The learned counsel appearing for the petitioner further



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submitted that the first petitioner entered into a lease agreement dated 10.07.1997 with the third respondent for 564 sq.mt. approximately 6000 sq.ft. of his lands situated at S.No.390/7, Vellegoundanpalayam Village, Dharmapuri Taluk, Dharmapuri District vide document no.492 of 1997 in the office of the Sub-Registrar, Dharmapuri which was valid up to 29.02.2020 and based on the said lease agreement the first respondent had issued Explosive Licence to the third respondent on 01.11.1997 and since then the third respondent has been operating the petroleum retail outlet.

4.The learned counsel appearing for the petitioner further submitted that at the request of the third respondent, the first petitioner leased out an additional extent of 278.71 sq.mt. approximately 3000 sq.ft. of adjacent lands in the same survey number to the third respondent to erect additional equipment/ facilities under a separate lease agreement dated 14.12.2006 vide registered document no.18471 of 2006, valid upto 30.09.2036. The second respondent thereafter issued no objection certificate dated 05.12.2006 to the third respondent under Rule 144 of the Petroleum Rules, 2002 to establish and operate a petroleum retail outlet and the first respondent thereafter issued Explosives Licence dated 02.02.2015 to



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the third respondent to store and sell the petroleum products and subsequently renewed it upto 31.12.2025 vide licence dated 20.12.2022.

5.The learned counsel appearing for the petitioner further submitted that the first lease agreement expired on 29.02.2020 and the third respondent had sent a request letter dated 28.09.2019 to the petitioners seeking renewal of the lease agreement dated 10.07.1997 for a further period of 30 years with effect from 01.03.2020, however, the petitioners declined the above request vide reply letter dated 17.03.2020. Since the third respondent did not hand over the subject premises, the petitioners made representation to the third respondent to vacate the premises and to pay the arrears in rent. Thereafter, the petitioners sent representation to the Joint Controller of Explosives, Chennai and the second respondent on 05.09.2024 seeking to suspend and cancel the final explosive licence and no objection certificate issued to the third respondent and the Joint Controller of Explosives, Chennai forwarded the said representation to the first respondent vide communication dated 13.09.2024 for taking necessary action in this regard, however there is no response.



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6.The learned counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the second respondent submitted that already the process for cancellation of Explosives Licence dated 20.12.2022 and No Objection Certificate dated 05.12.2006 issued to the third respondent for operating a Petroleum Retail Outlet at S.No.390/7, Vellegoundanpalayam Village, Dharmapuri Taluk, Dharmapuri District had started and the said proceeding will be completed within a period of four weeks from the date of receipt of a copy of this order.

7.The learned counsel appearing for the third respondent submitted that subsequently lease agreement dated 14.12.2006 was executed by the first petitioner and the same is valid upto 30.09.2036 and further submitted that the same may be considered and appropriate orders may be passed.

8.Heard the arguments advanced on either side and perused the materials available on record.

9.Considering the submissions made on either side, this Court



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directs the respondents 1 and 2 to conclude the process for cancellation of Explosives Licence dated 20.12.2022 and No Objection Certificate dated 05.12.2006 issued to the third respondent for operating a Petroleum Retail Outlet at S.No.390/7, Vellegoundanpalayam Village, Dharmapuri Taluk, Dharmapuri District, after providing opportunity to the petitioners as well as the third respondent, within a period of six weeks from the date of receipt of a copy of this order. All the issues are kept open before the respondents 1 and 2. Liberty is granted to the petitioners to recover the arrears in the rent amount from the third respondent in the manner known to law.

10.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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