



WEB COPY

W.P.No.30199 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.30199 of 2023
& WMP.Nos.29806 & 29807 of 2023

P.Rakesh

.. Petitioner

VS

1.The Joint Chief Controller of Explosives
The Petroleum and Explosives Safety
Organization (PESO)
Formerly known as Department of Explosives
A and D - Wing, Block 1 - 8, Second Floor,
Shastri Bhavan, No,26 Haddows Road,
Nungambakkam, Chennai-600 006

2.M/s.Bharat Petroleum Corporation Ltd.,
Chennai Territory Office,
Vaidyanathan Street, Tondiarpet,
Chennai-600 081.

3.M/s.Sakthi Services,
No.11 Sardar Patel Road,
Adyar, Chennai-600 020

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records relating to license bearing No.P/SC/TN/14/280(P30823) dated 18.12.2020 on the files of the 1st Respondent and quash the same and consequently direct



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the 1st Respondent to revoke the same and direct the 2nd Respondent to hand over vacant possession of the property being Survey No.11/1A & 11/2-B2 (T.S. No.18 & 19, Block No.40), Gandhi Nagar, Adyar, Chennai - 600 020 to the Petitioner within a time frame.

For Petitioner : Mr.Jayesh Dolia
for M/s.Aiyar and Dolia

For Respondents : Mr.V. Chandrasekaran (for R1)
Senior Panel Counsel

Mr.Vijayan (for R2)
for M/s.King & Patridge

ORDER

This matter has a checkered history. The petitioner is the owner of the premises at Door No.11, Sardar Patel Road, Adyar, Chennai – 600 020 ('property'/property in question'). He had purchased the property from a vendor, who had given on lease the same to Bharat Petroleum Corporation Ltd./R2/BPCL vide lease deed dated 30.07.1987 for a period of 30 years. The lease expired on 31.03.2015.

2. Upon purchasing the property the petitioner had ascertained under the Right to Information Act, 2005 (in short 'Act') that the explosives license of the R2 had not been renewed. A copy of the license



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in Form XVI revealed that the BPCL could store petroleum in tanks only upto 31.12.2022.

3. That apart, despite its best efforts, the petitioner was unable to obtain vacant possession of the property and could not enjoy the same on account of the occupation of the premises of the property by BPCL.

4. A writ petition was filed in W.P.No.21254 of 2022 wherein this Court, vide order dated 21.12.2022, directed the petitioner to file a representation before the appropriate authority in regard to his prayer, which was for quashing of license dated 18.12.2020 and a direction to BPCL to hand over the vacant possession of the property to the petitioner.

5. An application came to be filed thereafter and after detailed enquiry, the No Objection Certificate (NOC) granted to BPCL for operation of petrol bunk was cancelled vide proceedings dated 08.09.2023 by the Commissioner of Police, Greater Chennai Police.

6. Learned counsel for the R2 would confirm that the Explosives license had also expired as on 31.12.2022. Thus, the first limb of the prayer seeking certiorarified mandamus for quashing of the license is rendered unnecessary.

7. As far as the 2nd limb of the prayer is concerned regarding handing over of vacant possession of the property in question, there is no



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justification for the BPCL to continue to be in possession of the property any longer.

8. BPCL had filed a writ petition in W.P.No.35520 of 2023 seeking to quash order dated 08.09.2023, cancelling the NOC. That writ petition came to be disposed on 03.01.2024 with this Court upholding the order of cancellation.

9. BPCL was directed to approach the Commissioner of Police, Greater Chennai Police seeking temporary license for a period of 15 days to ensure that the products that are available in the property are sold in entirety.

10. Learned counsel for R2 confirms that this has been done. He would also request that the BPCL may be permitted to continue with the lease since they have been using the property for over 30 years.

11. However, the learned Senior Counsel appearing on behalf of the learned counsel on record for the petitioner, on instructions, would categorically confirm and convey instructions to the effect that the petitioner is not interested in the aforesaid proposal.

12. He reiterates the demand that BPCL vacate the property expeditiously. He points out that despite the petitioner having purchased the property as early as on 02.11.2021, BPCL has been squatting in the



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same. In fact, the petitioner ought to have asked for compensation, but has refrained for the present, in anticipation of a quick exit by BPCL.

13. Reserving the right of the petitioner in this regard, there is a direction to R2 to vacate the premises in question, not later than two (2) months from date of receipt of a copy of this order.

14. This writ petition is disposed in the above terms. No costs. Connected miscellaneous petitions are closed.

05.06.2024

Index:Yes/No
Neutral Citation:Yes
Speaking Order:Yes

mpl

To

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DR. ANITA SUMANTH,J.

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