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W.P.No.34381 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.11.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.34381 of 2024 and
W.M.P.Nos.37260 and 37261 of 2024

A.Alawdeen

...Petitioner

Vs.

1. The Joint Chief Controller of Explosives

Petroleum and Explosives Safety Organisation (PESO)

South Circle, Chennai

A& D Wing, Block 1-8, 2nd floor,

Shastri Bhavan, No.26, Haddows Road,

Nungambakkam, Chennai-600 006.

2. The District Revenue Officer

Villupuram District

Master Plan Complex, Collectorate

Villupuram-605 602.

3. The Divisional Manger,

Indian Oil Corporation Limited

Tiruchirappalli Divisional Office

“Triveni” 3rd floor, B-35, Shastri Road

Thillai Nagar, Tiruchirappalli-620 018

4. G.Velmurugan

Aswin & Aswini Quality Fuels

Dealer- Indian Oil Corporation Limited

Chennai Main Road, Kamala Nagar

Villupuram-605 602

..Respondents



W.P.No.34381 of 2021.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to cancel the Final Explosive Licence No.P/SC/ TN/ 14/ 4358 (P140042) dated 27.09.2005 valid up to 31.12.2024 issued to the 3rd respondent for operating the Petroleum Retail Outlet at Survey No.2/4A1, Chennai to Trichy High Road, Villupuram Revenue Village and Taluk, Villupuram District-605 602 through the 4th respondent and consequently direct the 3rd to 4th respondents to hand over physical vacant possession of the above premises to the petitioner within a prescribed time limit.

For Petitioner : Mr.V.B.R. Menon
For Respondents : M/s.V.Sudha for R1
Central Government Counsel
Mr.V.Ramesh for R2
Government Advocate
Mr.Mohammed Fayaz Ali for R3
for IOCL

ORDER

The petitioner herein seeks a direction to 1st respondent to cancel the Final Explosive Licence No.P/SC/ TN/ 14/ 4358 (P140042) dated 27.09.2005 issued to the 3rd respondent for operating petroleum retailing outlet at Survey No.2/4A1, Chennai to Trichy High Road, Villupuram Revenue Village and Taluk, Villupuram District-605 602 through 4th respondent.



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2. It is the case of the petitioner that his father entered into registered lease agreement with the 3rd respondent for running a petroleum retailing outlet in the above mentioned site. Based on the lease deed, the 1st respondent had issued Final Explosive Licence valid till 31.12.2024 to 3rd respondent to run petroleum retailing outlet. Subsequently, the petitioner's father executed settlement deed in favour of petitioner vide settlement deed registered as Document No.2096/2012 dated 22.08.2012. The petitioner, as a present owner of the premises, refused to renew the lease arrangement which expired on 08.11.2024. The petitioner also sought for surrender of the premises on expiry of the lease arrangement. The 3rd respondent has not handed over the premises after expiry of the lease period and hence, his possession shall be construed as unlawful in the eye of law. The petitioner sent various representations to respondents 1 and 2 requesting time to suspend or cancel the Final Explosive Licence based on the expiry of the lease period. The same has not been considered till date. Therefore, the petitioner has come before this Court.



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3. The learned counsel for the 1st respondent by taking this Court to the notice issued by the 1st respondent dated 23.10.2024 in letter No. P/SC/TN/14/4358(P140042) submitted that already show cause notice was issued to the 3rd respondent and further action will be taken based on the objection submitted by the 3rd respondent.

4. Mr.Mohammed Fayaz Ali, learned counsel who is taking notice for the 3rd respondent (IOCL) submits that his client is entitled to submit his explanation to the show cause notice issued by the 1st respondent.

5. In view of the same, the 3rd respondent is directed to submit his explanation before the 1st respondent within a period of two weeks from the date of receipt of copy of this order. The 1st respondent is directed to consider the explanation submitted by the 3rd respondent and pass final orders on merits within a further period of two weeks from the date of submission of explanation. In case, the 3rd respondent failed to submit his explanation within the time stipulated by this Court, the 1st respondent is entitled to proceed further and pass final orders on its' own merits within the time stipulated by



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6. With the above directions, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

18.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

To

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5/6



B-35, Shastri Road
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S.SOUNTHAR, J.
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