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WA. 3597 of 2024



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2024

CORAM

THE HONOURABLE MR JUSTICE R. SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WA. 3597 of 2024

THE CHIEF DIVISIONAL SALES MANAGER (RETAIL) INDIAN
OIL CORPORATION LTD, INDIAN OIL BHAVAN, 8/1079,
AVINASHI ROAD, COIMBATORE 641 018.

APPELLANT(S)

Vs

M.R.SYED IBRAHIM BADUSHA S/O MOHAMMED
RAHAMATHULLAH, 57/A/, KATCHERI STREET, SIRUMUGAI
ROAD, METTUPALAYAM 641 301.

RESPONDENT(S)

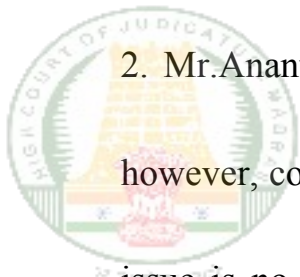
For Appellant(s): Mr.Anantha Natarajan V.

For Respondent(s):

JUDGMENT

(Judgment of the Court was made by the Mr.Hon'ble R. Subramanian J)

We see no merit in the Writ Appeal. Admittedly, the lease period is over and the Corporation cannot carry on business without obtaining an explosives license. The explosive license cannot be issued without the consent of the owner of the land. Therefore, the Writ Court had rightly allowed the Writ Petition, directing the Corporation to handover the possession to the owner of the land.



2. Mr. Anantha Natarajan, learned counsel for the appearing appellant / Corporation would

however, contend that a suit will alone be a remedy and not a Writ Petition for eviction. This

issue is no longer *res-integra*. Even in *Albert Morris Vs. K. Chandrasekaran and Others*

reported in (2006) 1 SCC 228, the Hon'ble Supreme Court had held that once an explosive

license cannot be granted without the consent of the land owner, the Corporation cannot

continue in possession. In *Bharat Petroleum Corporation Limited V.*

R. Chandramouleeswaran and Others reported in 2020 (11) SCC 718, the Hon'ble Supreme

Court held that the Corporation would not be entitled to the benefits of Section 9 of the City

Tenants Protection Act, since it is not in actual physical possession of the land in question.

3. In view of the above categorical pronouncements of the Hon'ble Supreme Court, we do not

see any reason to drive the land owner to travails of a suit for eviction. Hence, this Writ

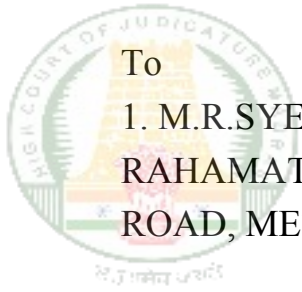
Appeal fails and it is accordingly, **dismissed**. No costs. Time is granted for vacating is

extended by 12 weeks from today.

(R. SUBRAMANIAN J.) (C. KUMARAPPAN J.)

10-12-2024

kkn



To

1. M.R.SYED IBRAHIM BADUSHA S/O MOHAMMED
RAHAMATHULLAH, 57/A/, KATCHERI STREET, SIRUMUGAI
ROAD, METTUPALAYAM 641 301.

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