



WP(MD)No.2789 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2789 of 2024

and

WMP(MD)No.2786 of 2024

P.Lalitha

... Petitioner

Vs.

- 1.General Manager,
Indian Oil Corporation Limited,
Southern Regional Office,
139, Nungampakkam High Road,
Chennai – 600 034.
- 2.Divisional Manager,
Indian Oil Corporation Limited,
No.2, Race Course Road,
Chokkikulam, Madurai – 625 002.
- 3.Joint Chief Controller of Explosives,
Ministry of Commerce and Industry,
Peroleum & Explosives Safety
Organisation,
A&D Wing, Block 1-B, II Floor,
Shastribhavan, 26, Haddous Road,
Nungambakkam, Chennai – 600 006.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 and his subordinates to forthwith surrender the vacant possession to the petitioner of the premises comprised in S.No.635/2, Vannikonanthal Village, Sankarankovil Taluk, now Tenkasi District after removing the tanks, pumps, fixtures or any other structures etc that may be put up by the said respondent for running the petroleum outlet and within such time as may be prescribed by this Court.

For Petitioner : Mr.V.Karthick, Senior Counsel
for Mr.P.Athimoolapandian

For Respondents : Mr.K.Muraleedharan for R1 & R2
Mr.K.Govindarajan for R3

* * *

ORDER

The petition mentioned site was taken on lease by Indian Oil Corporation on 17.07.2003 from one Uma. The lease was for a period of fifteen years. The leased deed provided for automatic renewal subject to certain terms and conditions. The relevant clause reads as follows :

“4.If the lessee shall be desirous of renewing this present lease and or such desire shall have given to the lessors not less than three months notice prior to the expiration hereof



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and shall have duly observed and performed all the terms and conditions hereof the lessor shall grant to the lessee a renewed lease of the said premises for further period of fifteen years on mutual terms and conditions.”

2.It is not in dispute that the Indian Oil Corporation did not inform the lessor about their desire to renew the lease. The petitioner herein purchased the petition mentioned site from the previous owner on 12.12.2018 (Doc No.9126 of 2018). Admittedly, the lease has not been renewed till date. The petitioner has called upon the Indian Oil Corporation to vacate. The grievance of the petitioner is that the demand has not been complied with till date.

3.The learned Senior Counsel appearing for the petitioner drew my attention to the judgment dated 11.11.2021 passed by the Hon'ble Supreme Court in National Company, rep.by its Managing Director vs. The Territory Manager, Bharath Petroleum Corporation dated 11.11.2021 in Civil Appeal No.6726 of 2021. It is a hard-hitting judgment and the facts are more or less similar. In fact, the learned Senior Counsel wanted this Court to pass an order on similar lines. But then, I indicated to the learned Senior Counsel that if all the reliefs granted by the Hon'ble Supreme Court are to be given in this present case also, then, the



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respondents will have to be given time to file counter affidavit. I

pointed out to the learned Senior Counsel that the writ petition has been filed on 07.02.2024 and that it is being taken up for final disposal on 02.04.2024 itself. Thereupon, the learned Senior Counsel left the matter to the choice of this Court regarding the manner of disposal.

4.The learned standing counsel for IOC also realizing the situation in which the corporation is placed undertook that the corporation would vacate the premises and hand over vacant possession to the petitioner as early as possible. In fact, the learned standing counsel has sought three months time. The learned Senior Counsel for the petitioner states that within a month, it is possible to remove all the installation. I direct the Indian Oil Corporation to surrender vacant possession to the petitioner on or before 31.05.2024. I make it clear that under no circumstances, the respondents should seek extension of time. It is declared that the petitioner will be entitled to take vacant possession of the premises with effect from 01.06.2024. The petitioner is given liberty to proceed against the corporation for recovery of rental arrears independently.



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5.This writ petition is allowed. No costs. Connected miscellaneous

petition is closed.

02.04.2024

Index : Yes / No

Internet : Yes/ No

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Note : Issue order copy on 10.04.2024



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G.R.SWAMINATHAN, J.

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