



W.A(MD)No.970 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.970 of 2024
and
C.M.P(MD)No.7022 of 2024**

1. General Manager,
Indian Oil Corporation Limited,
Southern Regional Office,
139, Nungambakkam High Road,
Chennai - 600 034.

2. The Divisional Manager,
Indian Oil Corporation Limited,
Madurai Divisional office,
No.2, Race Course Road,
Madurai - 625 002.

... Petitioners

Vs

1. Lalitha



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2. The Joint Chief Controller Explosives,
Ministry of Commerce and Industry,
Petroleum and Explosives Safety Organisation,
A and D Wing,
Block 1-B and II Floor,
Shastri Bhavan,
26 Haddous Road,
Numgambakkam,
Chennai - 600006.

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order of the Hon'ble Mr.Justice G.R.SWAMINATHAN in W.P.(MD) No.2789 of 2024 dated 02.04.2024.

For Appellants : Mr.K.Muraleedharan

For R1 : Mr.P.Athimoolapandian

JUDGMENT

[Judgment of the Court was made by R.SURESH KUMAR, J.)

This Writ Appeal is directed against the order passed in W.P(MD)No.2789 of 2024, dated 02.04.2024. By the said decision, the consent order has been passed by the learned Judge, while disposing the writ petition and the relevant



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WEB portion of the order reads as follows:

"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.

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

2.Challenging the same, though the appellant/Indian Oil Corporation Limited has directed this Appeal, Mr.K.Muraleedharan, learned Counsel appearing for the Appellants would submit that such an undertaking had been given based on the legal position. It has been brought to the notice of the Court in the matter of ***The Managing Director Vs. The Territory Manager, Bharat Petroleum Limited*** in ***Civil Appeal No.6726 of 2021, dated 11.11.2021.***



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3.However, subsequently, yet another judgment has come from the Hon'ble Supreme Court in Civil Appeal No.4261 of 2023, by order dated 07.07.2023, where for getting this kind of relief, the parties only have to approach the civil Court.

4.Though such a legal position has got changed, insofar as the undertaking that has been given by the Indian Oil Corporation is concerned, in order to honour that undertaking, steps have been taken to vacate the premises. Accordingly, dispensing unit and the roof of the Appellant Corporation have already been removed. Only the remaining things have to be removed, for which, if further time is given upto 31.07.2024 and the entire things would be removed and the vacant possession would be handed over to the respondent/owner of the property.

5.In response to the said submission made by the learned Counsel for the Appellants, Mr.P.Athimoolapandian, the learned Counsel for the first respondent would submit that the maximum period that has been given by the writ Court, since was over by 31.05.2024, before which, as undertaken by the Appellants, they should have vacated in full. However, since they wanted further two months



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of time, i.e., upto 31.07.2024 and in order to show their *bonafide*, if the part of the materials that belong to the Appellants is vacated already, taking a cue from that line, the time sought for upto 31.07.2024, if at all, this Court wants to give, let there be a final extension of time beyond which, at no circumstances, the extension of time may not be given by this Court, is the contention of the learned Counsel for the first respondent.

6.We have taken note of the said submission made by the learned Counsel appearing for the parties and perused the materials placed before this Court.

7.Since the order impugned itself is a consent order passed by the learned Judge as against which, normally this Bench would not entertain intra-Court Appeal, however, in this Appeal, when submissions were made, the learned Standing Counsel has fairly submitted that part of the things have already been vacated and only the remaining things would be vacated, for which, he expects extension of time till 31.07.2024. Taking the said move on the part of the Appellants as *bonafide* as that they would honour the commitment, which they have given before this Court as recorded by the learned Judge in the impugned



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order, this Court is inclined to dispose of the Writ Appeal with the following order:

(i) That the time granted by the Writ Court in the order impugned upto 30.05.2024 to vacate the premises by the Appellants in full, is extended by 31.07.2024, within which, the Appellants shall vacate the premises in full and the vacant possession should be handed over to the first respondent without fail.

(ii) It is made clear that under any circumstances, no further extension of time shall be entertained by this Court.

8. With these directions, this Writ Appeal is disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.,J.] [G.A.M.,J.]
18.06.2024

NCC : Yes / No
Index : Yes / No
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To

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ORDER MADE IN
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DATED : 18.06.2024