



W.P.No.3507 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 16.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3507 of 2025
& W.M.P.No.3882 of 2025

A.Alawdeen,
S/o.K.Abdul Salam Rowther,
No.39/17,Voc Nagar,
Villupuram-605 602

... Petitioner

/versus/

1. The Divisional Manager,
Indian Oil Corporation Ltd,
Tiruchirappallai Divisional Office, "Triveni",
3rd Floor, B-35, Shastri Road,
Thillai Nagar,
Tiruchirappallai-620 018.

2. G.Velmurugan
Aswin & Aswinin Quality fuels, Dealer - Indian Oil Corporation Ltd.,
Chennai Main Road, Kamala Nagar,
Villupuram-605 602.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, Writ of Mandamus, directing the 1st respondent to vacate and hand over vacant physical possession of the petrol pump premises situated at Survey No.2/4A1, Villupuram Revenue Village and Taluk, Villupuram District-605 602 to the petitioner within a prescribed time limit.



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W.P.No.3507 of 2025

For Petitioner : Mr.V.B.R.Menon

For Respondents : Mr.Mohammed Fayaz, for R1
: No appearance, for R2

ORDER

This writ petition is filed for a writ of mandamus directing the first respondent to vacate and handover the physical possession of the petrol pump premises situated Survey No.2/4A1, Villupuram Revenue Village and Taluk, Villupuram District to the petitioner within such time limit as may be prescribed by this Court.

2. The case of the petitioner is that the petitioner leased out the said premises to be respondents *vide* lease deed dated 02.07.2007. The period of lease was for a 17 years and 4 months upto 08.11.2024 and the period of lease as per the said lease registered as document No.1964 of 2007 has since expired. Thereafter, the explosive license that is granted to the respondents is also cancelled since they did not have a right over the site. The business is also not run as on date. Therefore, the petitioner is praying for vacating and handing over of the property



W.P.No.3507 of 2025

in question to the petitioner. Per contra, the writ petition is resisted by filing a counter affidavit.

3. The Learned Counsel appearing on behalf of the respondent would submit that the respondents are tenants by holding over and the petitioner has to approach the Civil Court for any remedy for possession of the property that is demised to the petitioner.

4. I have considered the submissions made by the Learned Counsel on either side. By taking into account the Special Rules that are made under the Petroleum Act, the Hon'ble Supreme Court of India originally in ***C.Albert Morris vs. K.Chandrasekaran and others reported in (2006) 1 SCC 228***, has rejected the argument 'tenant by holding over' as far as the retail outlets are concerned. When the very licence itself is not there, the respondent being an arm of the state, cannot plead that it will remain squatting over the property and the petitioner has to approach the Civil Court for possession. The Hon'ble Supreme Court had also considered the issue in ***National Company represented by its Managing Partner vs. Territory Manager, Bharat Petroleum Corporation limited and another***



W.P.No.3507 of 2025

reported in (2021) 13 SCC 121. Similar orders have also been passed by this Court directing the Oil Company to handover possession. However, appropriate time has to be granted to the respondents for handing over the possession.

5. The Learned Counsel for the respondent would also submit that they will try and negotiate with the petitioner for renewal of the lease. The Learned Counsel for the petitioner submits that the petitioner will not be willing to renew the lease. In any event, it is for the parties to negotiate.

6. Considering the overall facts and circumstances of the case, I am of the view that four months time can be granted to the respondents for vacating and handing over the possession.

7. In view thereof, this writ petition is ordered on the following terms:

Within 4 months from the date of receipt of the web copy of the order, without waiting for the certified copy of the order, the respondents shall handover



W.P.No.3507 of 2025

the possession of the petition mention property to the petitioner.

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Consequently, connected Miscellaneous Petition is closed. There shall
be no order as to costs.

16.04.2025

Neutral Citation : No.
bsm
To,
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Indian Oil Corporation Ltd,
Tiruchirappallai Divisional Office, Triveni,
3rd Floor, B-35, Shastri Road,
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Tiruchirappallai-620 018.



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W.P.No.3507 of 2025

D.BHARATHA CHAKRAVARTHY, J.

bsm

W.P.No.3507 of 2025

16.04.2025

Page 6 of 6