



W.P.No.8990 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 18.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

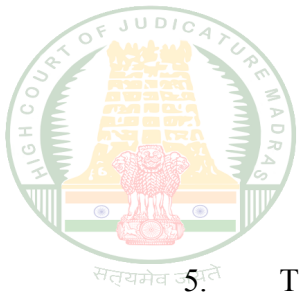
W.P.No.8990 of 2025

A.BASKAR

... Petitioner

Vs

1. THE DISTRICT COLLECTOR -CUM - DISTRICT MAGISTRATE,
DISTRICT COLLECTORATE OFFICE,
KARAIKAL DUPLEX STREET,
KARAIKAL - 609 602,
PUDUCHERRY UT.
2. THE DEPUTY COLLECTOR (REVENUE)-
CUM - SUB DIVISIONAL MAGISTRATE,
KARAIKAL, REVENUE COMPLEX, DUPLEX STREET,
KARAIKAL 609 602,
PUDUCHERRY UT.
3. THE JOINT CHIEF CONTROLLER OF EXPLOSIVES,
SOUTH CIRCLE OFFICE,
PETROLEUM & EXPLOVIES SAFETY ORGANISATION (PESO),
A AND D - WING, BLOCK 1-8, SECOND FLOOR,
SHASTRI BHAVAN,
26, HADDOWS ROAD,
NUNGAMBAKKAM,
CHENNAI – 600 006.
4. THE DEPUTY CONTROLLER OF EXPLOSIVES,
OFFICE OF JOINT CHIEF CONTROLLER OF EXPLOVIES,
SOUTH CIRCLE, PETROLEUM & EXPLOVIES
SAFETY ORGANISATION, (PESO),
A AND D -WING,
BLOCK 1-8, SECOND FLOOR, SHASTRI BHAVAN,
26, HADDOWS ROAD, NUNGAMBAKKAM,
CHENNAI - 600 006.



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5. THE INDIAN OIL CORPORATION LIMITED,
REPRESENTED BY ITS CHAIRMAN,
INDIAN OIL BHAVAN,
G-9, ALI YAVAR JUNG MARG,
BANDRA EAST,
MUMBAI,
MAHARASTRA - PIN 400 051.
6. THE INDIAN OIL CORPORATION LIMITED,
REPRESENTED BY ITS DIVISIONAL RETAIL HEAD,
MARKETING DIVISION,
TRICHY DIVISIONAL OFFICE,
'TRIVENT' 3RD FLOOR, B-35, SHASTRI ROAD,
THILLAI NAGAR,
TIRUCHY 620 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing respondents 1 to 4 to forbear from granting/renewing the No objection certificate/licence in favour of respondents 5 and 6 for storage and sale of petroleum products under Rule 144 and 148 of the petrol rules 2002 read with Rule 150 of the said Rules with respect to the property of the petitioner being site measuring 26,875 sq.ft. in R.S. Nos.83/11, 83/12, 83/13 and 83/14 – Nagore - Karaikal Road, Vanjore Village, Karaikal, Pondicherry.

For Petitioner	: Mr.T.M.Hariharan
For R1 & R2	: Mr.V.Vasanth Kumar Additional Government Pleader (Pondichery)
For R3 & R4	: Mr.R.Rajesh Vivekanandan Deputy Solicitor General of India
For R5 & R6	: Mr.R.Sreedhar



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ORDER

WEB COPY This writ petition is filed with a prayer to direct respondents 1 to 4 to forbear from granting or renewing the No Objection Certificate (NOC)/license in favor of respondents 5 and 6 for the storage and sale of petroleum products under Rule 144 and 148 of the Petroleum Rules 2002, read with Rule 150 of the said Rules with respect to the property of the petitioner being site measuring 26,875 sq.ft. in R.S.Nos.83/11, 83/12, 83/13 and 83/14, Nagore Karaikal Road, Vanjore Village, Karaikal, Pondicherry and for other order.

2. The grievance of the petitioner is that originally, when the petitioner's wife was selected as the dealer, the petitioner leased out the said property to respondents 5 and 6. However, within a short time, the license granted in favor of the petitioner's wife was cancelled. Thereafter, respondents 5 and 6 were operating the retail outlet by giving it to third party dealers and by themselves. The license was originally granted on 18.03.2004 for a period of 20 years and it expired on 17.03.2024. Even thereafter, the respondents 5 and 6 have not vacated the premises. Therefore, the petitioner has made a representation to respondents 1 to 4 to cancel the respective licenses/NOC granted in respect of the site.



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WEB COPY 3. The learned counsel appearing on behalf of the petitioner would submit that the matter is no longer res integra. The Hon'ble Supreme Court of India, in *C. Albert Morris Vs. K.Chandrasekhar and others reported in (2006) 1 SCC 228*, has decided the issue at hand. He submits that the Hon'ble Supreme Court has held that once the lease has expired, the theory of tenant by holding over, etc., cannot be brought into defense, and it must be held that the licensee has lost the right to use the land as per the Petroleum Rules. Therefore, when Rule 150 mandates respondents 1 to 4 to consider the issue, once the licensee loses the right to use the land, then the petitioner's representation has to be acted upon, and further orders should be passed.

4. Per contra, when the matter came up for admission, the learned Additional Government Pleader took notice on behalf of the respondents 1 and 2 and sought time to get instructions in this regard.

5. The learned counsel appearing on behalf of respondents 5 and 6 disputes the legal position and submits that the circular issued by respondents 5 and 6 lays down otherwise. It is the claim of the respondents 5 and 6 that the

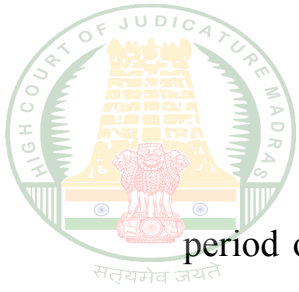


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essential supply of petroleum cannot be immediately stopped due to the litigious status of the sites and points. The circular dated 06.02.2024 is relied upon. It is also stated that respondents 5 and 6 have filed a suit in O.S.No.343 of 2024 on the file of the Principal District Munsif, Karaikal, for a mandatory injunction to renew the lease. Therefore, no such direction, as prayed for by the petitioner, need be issued.

6. As of now, there is no interim order in the Civil Court. The petitioner has made a representation claiming that the lease has expired. Rule 150 lays down a statutory duty for respondents 1 to 4 to consider the issue. This Court is not determining the matter on merits. The request of the petitioner shall be taken up by the respondents 1 to 4 with respect to their respective statutory NOC/license that has been granted. First, the respondents 1 and 2 shall consider the issue with reference to the NOC. They can issue notices to the petitioner as well as the respondents 5 and 6 and decide the matter in accordance with the law. Upon receipt of the further report from the respondents 1 and 2, the respondents 3 and 4 shall also take a decision with reference to the license issued. Suffice it to say that they should also issue notices to the petitioner as well as respondents 5 and 6 and decide the matter.

The above exercise shall be completed by the respondents 1 and 2 within a



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period of eight weeks from the date of receipt of the web copy of the order,

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without waiting for the certified copy of the order. Thereafter, the exercise shall be completed by the respondents 3 and 4 within another period of eight weeks. The parties shall cooperate with the enquiry. No costs.

18.03.2025

Neutral Citation: Yes/No
nsl



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To
1.
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DISTRICT COLLECTORATE OFFICE,
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KARAIKAL - 609 602, PUDUCHERRY UT.
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5. THE INDIAN OIL CORPROATION LIMTIED,
REPRESENTED BY ITS CHAIRMAN,
INDIAN OIL BHAVAN,
G-9, ALI YAVAR JUNG MARG,
BANDRA EAST,
MUMBAI,
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TRICHY DIVISIONAL OFFICE,
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D.BHARATHA CHAKRAVARTHY, J.

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