



WEB COPY

WA No. 1350 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

WA No. 1350 of 2024

1. Rajendran

Appellant(s)

Vs

1. Deputy General Manager (RS)
M/s.Indian Oil Corporation Limited
(Formerly M/s.IBP Co., Ltd.,)
Chennai Divisional office,
500 Anna Salai, Teynamet, Chennai-
600 018.

Respondent(s)

PRAYER

To allow this Writ Appeal by setting aside the Final order dated 14.03.2024 passed by this Court in WP No.13290 of 2023 and pass such further or other orders as this Court.



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For Appellant(s): Mr.Raghul Balaji For
Mr.K.Premkumar

For Respondent(s): M/s Anantha Natarajan

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

Under assail is the order dated 14.03.2024 passed in W.P.No.13290 of 2023.

2. The appellant herein filed a Writ Petition to direct the respondent to vacate and hand over vacant possession of this petitioner's property comprised in Survey Nos. 291/1C1, 1C2, 1C3 and 1B2 measuring an extent of 22436 Sq.Ft., situated at Gudapakkam Village, Poonamallee Taluk, Tiruvallur District and further direct the respondent herein to pay unpaid rents with interest at 18% thereon to the petitioner.

3. The appellant was a dealer operating a petroleum bank. Admittedly, the lease period expired and the lease was not renewed between the parties. On expiry of the lease period, the appellant submitted a letter to the respondent/Oil Corporation, expressing his willingness to terminate the dealership and to hand over the vacant possession of the property. Since the respondent failed to accede to the petitioner's request, the present Writ Petition was instituted.



ready to receive the vacant possession and therefore, the direction as such sought for need not be issued.

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5. Mr.Raghul Balaji, learned counsel appearing on behalf of the appellant would submit that all along the petitioner expressed his willingness to terminate the dealership, and the lease was also not renewed. Even in the impugned Writ Order, paragraph No.5, the Writ Court recorded that the petitioner has filed an affidavit, wherein he concurred with the respondent that three months time may be given to handover vacant possession of the property.

6. Be that as it may, the petitioner is not willing to continue the dealership. He had given a letter to terminate the dealership on 13.02.2024, which is not disputed by the respondent/Oil Corporation. Admittedly, the lease was not renewed. Therefore, the respondent/Oil Corporation has no right to continue its operation in the petitioner's premises. In the absence of a lease, the sale of petroleum products to the public cannot be allowed.

7. Considering these facts, the respondent is directed to vacate the premises by removing their installations and petroleum products, and hand over the vacant possession to the petitioner within two months from the date of receipt of a copy of this order.



Corporation for removal of their installation and petroleum products.

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9. With the above directions, the Writ order stands modified and consequently, the Writ Appeal is allowed. No costs. The connected Miscellaneous Petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

24-02-2025

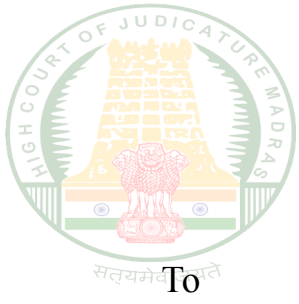
GD

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
1. Deputy General Manager (RS)
M/s. Indian Oil Corporation Limited
(Formerly M/s. IBP Co., Ltd.,) Chennai
Divisional office, 500 Anna Salai,
Teynamet, Chennai- 600 018.



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**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

GD

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