



W.P No.14103 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P No.14103 of 2025

and

W.M.P No.40797 of 2025

N.Santhakumar

...Petitioner

Vs

The Territory Manager (Retail)
M/s.Bharat Petroleum Corporation Ltd
Irugur TOP Installation
Athappagrpunderpudur,Ravathur (PO)
Irugur(Via)
Coimbatore District-641 103.

...Respondent

PRAYER: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records of the Order No.CBE/RO/P Natarajan dated 23.10.2024 rejecting the petitioner's representation dated 06.08.2024 and quash the same and consequently direct the respondent to pay (i) the rental amounts for the Petrol Pump site for the period 01.03.1998 to 30.06.2022 to the petitioner at market rate and (ii) reasonable storage charges incurred by the petitioner to keep the equipments removed from the site under safe custody since 02.07.2022, with reasonable interest charges upto the date of actual payments to the petitioner.



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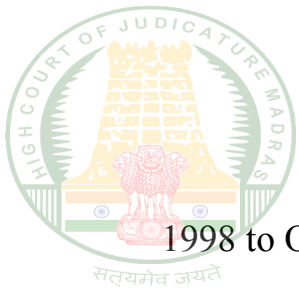
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For Petitioner : Mr.V.B.R.Menon
For Respondent : Mr.V.Anantha Natarajan

ORDER

This writ petition has been filed, challenging the rejection order dated 23.10.2024 and to direct the respondent to pay (i) the rental amounts for the Petrol Pump site for the period 01.03.1998 to 30.06.2022 to the petitioner at market rate and (ii) reasonable storage charges incurred by the petitioner to keep the equipments removed from the site under safe custody since 02.07.2022, with reasonable interest charges upto the date of actual payments to the petitioner.

2. The case of the petitioner is that the petitioner had entered into a dealership agreement under "CC" category with the respondent in the year 1997 and he offered his land for re-sitement under "CC" Special Category with nominal rent and license fee recovery (LFR) as applicable to Dealer Controlled Sites on 02.03.1998. Subsequently, the respondent stopped his supplies after commencement of sales at the new site on 24.03.1998 and repeatedly, the petitioner made a representation to the respondent to come forward to fix a slab for the rental agreement. On 26.04.2006, the respondent refunded a sum of Rs.2,44,490/- towards the difference between the LFR recovered under CC Category and recoverable under CC-Spl. Category for the period from January



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1998 to October 1999. Again, the petitioner made a request to the respondent to

finalise the lease with effect from 01.01.1998 under CC Category.

Subsequently, there were pending disputes between the petitioner and the respondent regarding lease and category of the outlet. Since the respondent stopped the petroleum products to the petitioner's outlet, the petitioner was unable to run the petroleum outlet and therefore, the petitioner requested the respondent to collect the materials from the petrol pump site and kept in safe custody. However, the respondent has not come forward to collect the materials.

Therefore, the petitioner removed the respondent's properties from the site and kept in safe custody in a storage godown in the year 2022. Aggrieved by the same, the respondent filed a money suit in O.S No.653 of 2022 on the file of the Principal District Court, Tiruppur, claiming damages to the equipments which was removed by the petitioner's company on 30.09.2022. Hence the petitioner offered an alternate site for re-sitement of the outlet by using the same old equipments removed from the site. Thereafter, the respondent passed an order of termination of the dealership with the petitioner on 31.03.2023. Challenging the same, the petitioner filed a writ petition in W.P No.20424 of 2023 and the same was dismissed as withdrawn with liberty to submit the claim re-sitement and rental arrears to the respondent. Again, the petitioner made a representation to the respondent on 06.08.2024 for refund of extra amount of licence fee



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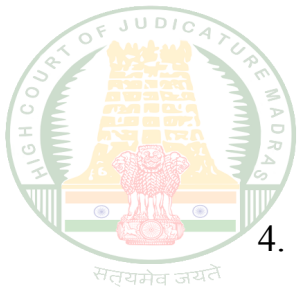
recovery and payment of rental arrears. But, no order was passed. Aggrieved by

the same, again the petitioner filed a writ petition in W.P No.27762 of 2024 and

the same was disposed of on 19.09.2024 directing the respondent to consider the petitioner's representation and pass orders within a period of four weeks.

Thereafter, the present impugned order was passed by the respondent on 23.10.2024 rejecting all the claims raised by the petitioner in his representation dated 06.08.2024 including the arrears of rent. Challenging the same, the present writ petition is filed.

3. The learned counsel appearing for the petitioner submitted that as against the petitioner, the respondent filed a suit for damages in O.S No.653 of 2022 on the file of the III Additional District and Sessions Judge, Dharapuram and in which, the petitioner has filed an application for rejection of plaint under Order VII Rule 11 of CPC and the same was dismissed. Challenging the same, the petitioner filed a civil revision petition in C.R.P No.1498 of 2025 and the same was dismissed on 09.04.2025. In view of the above, this Court may permit the petitioner to file a counter claim in O.S No.653 of 2022 pending on the file of the III Additional District and Sessions Judge, Dharapuram and direct the trial Court to dispose the suit. Accordingly, he prayed for appropriate direction.



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4. The learned counsel appearing for the respondent has no serious objection to the submission made by the petitioner. However, he prays to grant liberty to the respondent to raise all possible grounds including the limitation issue.

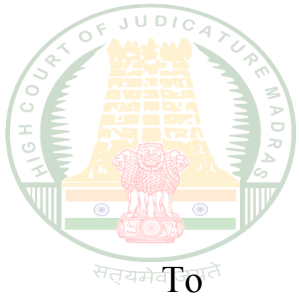
5. In view of the above, without interfering with the impugned order passed by the respondent, this Court is inclined to grant liberty to the petitioner to file a counter claim in O.S No.653 of 2022 pending on the file of the III Additional District and Sessions Judge, Dharapuram. Further, both the petitioner and the respondent are granted liberty to raise all possible grounds available to them before the trial Court including the limitation issue.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.10.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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M.DHANDAPANI, J.
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To
The III Additional District and Sessions Judge, Dharapuram

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and
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