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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP NO. 32569 of 2025

Soosaiya Peter Educational Trust
Rep By Its Chairman S.Peter,
No.15, Varghese Avenue Ashok Nagar,
Chennai-600 083 and 2 Others

Petitioner(s)

Vs

Hindustan Petroleum Corporation Ltd
Rep By Its Deputy General Manager, Petrol Bhavan
2nd Floor, Chennai Retail Region Alwarpet,
Chennai-600 081

Respondent(s)

For Petitioner(s): Mr. RICHARDSONWILSON

For Respondent(s): Mr.Mohammed Fayaz Ali

ORDER

Today, the matter is listed under the caption "for being mentioned" at the instance of the learned counsel for the respondent.

2. Heard the learned counsel for both sides.

3. The learned counsel for the respondents submits that this Court directs the Registry to delete the last line of paragraph No.5 of the order dated 01.09.2025 in the above said writ petition as the respondents have not made the said submission.

4. In view of the said submission made, 5th paragraph of the order has been modified as follows:

"5. Per contra, the learned counsel for the respondent submitted that though the second and third petitioners are the owner of the property, the first petitioner obtained a lease from them and thereafter, lease out the premises to the respondent for installation of a retail petroleum outlet. It is true that the



lease was expired on

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31.11.2018. With the oral agreement of the first petitioner, the respondent and the first petitioner was operating the outlet. However, the respondent was stopped the outlet from March 2025 onwards".

5. All other portions of the order shall remain unaltered except for the above said modification.

6. Registry is directed to carry out the necessary correction as aforesaid in the order dated 01.09.2025 and issue fresh copy of the order to the learned counsel for the parties.

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WP NO. 32569 of 2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2024

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

**W.P. No.32569 of 2025
and WMP. Nos.36505 & 36506 of 2025**

1. Soosaiya Peter Educational Trust,
Rep. By its chairman S.Peter,
No.15, Varghese Avenue, Ashok Nagar,
Chennai-83.

2. P.Kasthuri Bai

3. P.Sathana Mary

... Petitioners

-VS-

Hindustan Petroleum Corporation Ltd.,
Rep. By its Deputy General Manager,
Petro Bhavan 2nd Floor,
Chennai Retail Region Alwarpet,
Chennai-81.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the respondent to vacate the premises comprised in S.No.59/12 and 59/13, Virugambakkam, Mambalam-Guindy Taluk, Chennai District admeasuring 5007 Sq. ft. bearing Door No.122 Kalamman Kovil Street, Virugambakkam, Chennai-92 and hand over the possession of the same to the petitioners 2 and 3 within a time frame to be fixed by this Court.

For Petitioner(s) : Mr. Richardson Wilson

For Respondent(s) : Mr.Mohammed Fayaz

ORDER

By consent of both parties, the Writ Petition is taken up for final hearing at the admission stage itself.



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2. This petition has filed seeking a direction to the respondent to vacate the premises comprised in S.No.59/12 and 59/13, Virugambakkam, Mambalam-Guindy Taluk, Chennai District ad-measuring 5007 Sq. ft. bearing Door No.122 Kalamman Kovil Street, Virugambakkam, Chennai-92 and hand over the possession of the same to the petitioners 2 and 3.

3. It is the case of the petitioner that the first petitioner is the Chairman of Soosaiya peter Educational Trust and has been authorized to file the affidavit on behalf of the second and third petitioners. The petitioner Trust had leased out the land in S.No.59/12 and 59/13 Virugambakkam, Chennai ad-measuring 5007 Sq. ft. bearing Door No.122 Kalamman Kovil Street, Virugambakkam, Chennai-92 under a registered lease deed dated 02.01.2004 for a period of 15 years commencing from 01.12.2003 permitting subletting for the installation of a retail petroleum outlet by the respondent and the lease was expired on 31.11.2018 and the dealership agreement also expired on 02.01.2019. However, the respondent has not come forward to vacate the premises. Hence, the petitioners have filed the present petition before this Court.



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4. The learned counsel for the petitioners submitted that this Court may issue a direction to the respondent to vacate and hand over the possession of the property to the petitioners 2 & 3 within the time stipulated by this Court.

5. Per contra, the learned counsel for the respondent submitted that though the second and third petitioners are the owner of the property, the first petitioner obtained a lease from them and thereafter, lease out the premises to the respondent for installation of a retail petroleum outlet. It is true that the lease was expired on 31.11.2018. With the oral agreement of the first petitioner, the respondent and the first petitioner was operating the outlet. However, the respondent was stopped the outlet from March 2025 onwards. The respondent will vacate and hand over the premises within a period of four months.

6. Heard the learned counsel for the petitioners and the learned Counsel appearing for the respondent and perused the materials available on record.

7. Admittedly, the first petitioner was running the petroleum outlet in the premises owned by the second and third petitioners. Subsequently, the very same first petitioner leased out the premises to the respondent for operating the retail outlet of the petroleum product and the lease period has been expiated on



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31.11.2018. Even after expiry, the respondent along with the first petitioner were running the petroleum outlet. However, the respondent has stopped to run the same from March 2025 onwards. After expiring the lease period, without consent of the second and third petitioners, either the first petitioner or the respondent, are continue to run the outlet is impermissible.

8. Hence, the respondent is directed to excavate the underground tank and hand over the vacant possession to the first petitioner within a period of four months from the date of receipt of a copy of this order. In turn, the first petitioner is directed hand over the same to the second and third petitioners forthwith.

9. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

01.09.2025

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