



W.P.No.35727 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM :

The Hon'ble MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**W.P.No.35727 of 2024
and W.M.P.No.38588 of 2024**

Kohinoor Agencies,
Rep by its Proprietor, L.Periasamy,
No.90, Kamaraj Salai,
Thattanchavady,
Pondicherry-605 009

.. Petitioner

-VS-

1. The Joint Chief Controller of Explosives
South Circle – Chennai,
Petroleum & Explosives Safety Organisation (PESO),
A & D Wing, Block 1-8, 2nd Floor,
Shastri Bhavan, No.26, Harddows Road,
Nungambakkam, Chennai-600 006.

2. The Indian Oil Corporation,
Rep by Divisional Retail Head,
Trichy Divisional Office,
"Triveni", 3rd Floor, B-35, Sastri Road,
Thillai Nagar, Trichy-620 018.

3. M.O.H.Group,
rep by MR.M.O.H.Iqbal,
M.O.H.Building 3rd Floor,
576, Anna Salai,
Teynampet, Chennai-600 006

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents not to take any coercive action against the petitioner on the petition made by the 3rd respondent dated 16.08.2024 relating to cancellation of Petrol Pump License bearing No.P/SC/PY/14/44 (P31642) to the petitioner.

For Petitioner	:	Mr.P.S.Raman Senior Counsel Assisted by Mr.D.Veerasekaran
For Respondents	:	Mr.A.Kumaraguru CGC, for R-1
	:	Mr.Mohammed Fayaz Ali Standing Counsel for R-2
	:	Mr.Srinath Sridevan Senior Counsel Assisted by Mohammed Fayaz Ali

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ORDER

The writ petition is filed for a writ of mandamus or other directions directing the first and second respondents not to take any coercive action against the petitioner on the petition made by the third respondent dated 16.08.2024 relating to the cancellation of Petrol Pump License bearing No.P/SC/PY/14/44 (P31642) to the petitioner.



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WEB COPY 2. Heard Mr.P.S.Raman, learned senior counsel for the petitioner, Mr.Kumaraguru, learned counsel appearing for the first respondent, Mr.Mohammed Fayaz Ali, learned standing counsel appearing for the second respondent and Mr.Srinath Sridevan, learned senior counsel appearing on behalf of the third respondent.

3. Mr.P.S.Raman, learned senior counsel, would contend that the petitioner is running a retail outlet under a lease deed and it is under lawful possession of the petitioner. Even if there is any contention to the contrary by the third respondent, the petitioner has to be dispossessed only by following the due process of law. As far as the business is concerned, the same cannot be abruptly and suddenly stopped, that also without following the due procedure that is laid down under the Petroleum Act, 1934 and the relevant Rules. Therefore, when the third respondent made objection, the petitioner had a reasonable apprehension that suddenly the business will come to an end and that it will be dispossessed except by due process of law and therefore, the petitioner approached this Court. He would submit that the law cannot be taken into their own hands by the respondents and the petitioner can neither be dispossessed nor their business can



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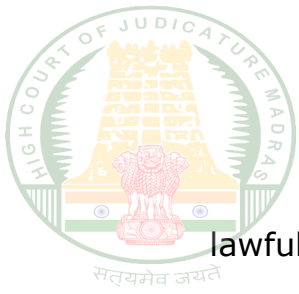
be interfered with.

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4. The learned counsel appearing for the first respondent would submit that the first respondent issues only licence to the second respondent, the Indian Oil Corporation. When an objection was raised that the place is under occupation of unauthorised persons, it had only called for explanation/information from the second respondent. If the second respondent submits the explanation, it will be further considered in the manner known to law.

5. The learned counsel appearing for the second respondent would submit that the second respondent will duly submit the explanation with the available documents.

6. Mr.Srinath Sridevan, learned senior counsel appearing for the third respondent, would submit that the possession is claimed based on a pendente lite lease deed and when the lease is for a period of 25 years, it is an unregistered lease deed and it cannot be taken into consideration. In the connected proceedings, a third party had agreed that the sale deed can be declared as null and void in the award of the Lok Adalat. In view thereof, the petitioner can no longer claim to be in



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lawful possession and therefore, when it has made objection to the first respondent, it is their statutory duty to enquire into the same.

With reference to taking possession, the learned counsel would submit that it is for the third respondent to take recourse of the process of law.

7. I have considered the competent submissions that are made by the learned counsel for the parties and perused the material records of the case.

8. There are two issues involved in the present case. Firstly, with reference to the running of the retail outlet, it can be seen that the license has been granted upto 31.12.2027. If, in the meanwhile, the licence has to be cancelled, the procedure prescribed under the Petroleum Act and the Rules framed thereunder has to be followed. It is only a communication that is addressed by the first respondent seeking for explanation. Therefore, at this stage, there is no cause of action for the petitioner. If at all any action that is proposed to be taken, then due notices can be issued to the second respondent, the third respondent as well as the petitioner by the first respondent and after hearing all the parties, appropriate orders in accordance with law



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can be passed.

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9. As far as the second issue with reference to the possession of the property is concerned, it is agreed by the learned counsel on both sides that the same can be taken by following due process of law. The same is also recorded.

In view of the above, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.03.2025

Neutral Citation: Yes/No

sra

To

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Shastri Bhavan, No.26, Harddows Road,
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D.Bharatha Chakravarthy, J.

(sra)

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