



WA(MD). No.2741 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 13/03/2025

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs. JUSTICE S.SRIMATHY

WA(MD). No.2741 of 2024
and CMP(MD) No.18895 of 2024

1.M/s.Bharath Petroleum Corporation Ltd.,
Represented by its Executive Director (Retail)
12/E &R maker towers
Cuffe Parade, Post Box 19949, Mumbai

2.The Deputy General Manager (DGM)
Marketing (Retail) Tamilnadu and Puducherry
Bharath Petroleum Corporation Ltd.,
Southern Regional Office, 1, Renganathan Gardens,
Off.11th main road, PB 1212 & 1213
Anna Nagar, Chennai.

3.The Head of Territory Office,
Bharath Petroleum Corporation Ltd.,
Tamilnadu Retail, BG, Goodshed Road
Thachanallur
Tirunelveli 627 358.

... Appellant

v.

J.Sivaranjani

... Respondent



WA(MD). No.2741 of 2024

PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against the order of this Court dated 02.07.2024 in WP(MD). No.9954/2024.

For Appellants : Mr.S.Natesh Raaja
For Respondent : M/s.Lakshmi Gopinathan for
M/s.Polax Legal Solutions

JUDGMENT

(Judgment of the Court was delivered by J.NISHA BANU,J.)

The writ appeal is directed against the order of the writ Court dated 02.07.2024 in WP(MD) No.9954 of 2024.

2. The respondents in the writ petition are the appellant herein.

3. The writ appeal is directed against the order of the writ Court in allowing the case of the writ petitioner, wherein a direction was issued to the appellants herein to allot the petroleum retail outlet for the writ petitioner. Challenging the said direction, the appellants are before this Court.



WA(MD). No.2741 of 2024

4. The writ petition was filed by the respondent/writ petitioner against the rejection of the application made by her for petroleum outlet dealership in the petition mentioned location.

5. The case of the respondent/writ petitioner before the writ Court is that she being the sole applicant had applied for BPCL retail outlet in the petition mentioned location. For the retail outlet, as per the condition, the applicant should have minimum lease of a land for 19 years and 11 months. However, as on the date of application, the petitioner is having the lease agreement for 20 years. However, it is the case of the authorities that on the date of verification, the writ petitioner did not have any lease hold interest in the petition mentioned land. Therefore, it is their case that the writ petitioner is not entitled for the dealership to be granted in her favour.

6. The writ Court, however, held that as per the rectification deed, the petitioner had the lease hold interest with effect from 26.09.2023. However, in the earlier lease deed, it was mentioned as if the commencement of the lease was with effect from 21.10.2023. The lease



WA(MD). No.2741 of 2024

was executed on 26.09.2023 and it has come into force with effect from 21.10.2023. However, the payment of lease rent fixed is commencing from 01.10.2023. Since it is purely a typographical error, a rectification deed was executed on 10.01.2024 and in the rectification deed, it has been mentioned that the date 21.10.2023 shall be read as 26.09.2023, ie., the date of application. Since the parties have clarified through the rectification deed that the date of commencement of lease is from 26.09.2023 and not from 21.10.2023, it is deemed that as on the date of application, the petitioner is holding the lease hold right of the petition mentioned land from 26.09.2023. Hence, it is rightly held by the writ Court by applying the doctrine of related back, that the writ petitioner had the lease hold right from the date of application, ie., on 26.09.2023.

7. In view of the said application of doctrine of related back, the writ Court had held that the writ petitioner is entitled to the retail outlet allotment by taking into account the lease hold right from 26.09.2023 based on the rectification deed. It is also brought to the notice of this Court that the possession of the lease hold property had also been handed over to the writ petitioner. Hence, the writ Court had rightly allowed the



WA(MD). No.2741 of 2024

writ petition, which, in the considered view of this Court, does not warrant any interference. Accordingly, the writ appeal stands dismissed.

No costs. Consequently connected Miscellaneous Petition is closed.

[J.N.B.,J]

[S.S.Y.,J]

13.03.2025

NCC : Yes/No

Index : Yes/No

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WA(MD). No.2741 of 2024

J.NISHA BANU, J
AND
S.SRIMATHY, J.

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ORDER
IN
WA(MD) No.2741 of 2024

Date : 13/03/2025