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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 40346 of 2026
CNR:{HCMA012347422026}
Case QR

AND

WMP NO. 45300 OF 2026

1. Padamchand jain
2. Ujwala Jain
3. Lalithakumar Jain

..Petitioner(s)

Vs

1. M/s Indian Oil Corporation Limited
   Rep by its Manager (Retail Sales)
   Chennai Divisional office (Marketing Division),
   No 500, Anna salai, Teynampet,
   Chennai 600 018

2. The Divisional Retail Sales Head,
   Indian Oil Corporation Limited,
   Chennai Divisional office,
   No 500 Anna Salai, Teynampet,
   Chennai 600 018

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certorarified Mandamus calling for the impugned communication of the Respondents, Ref. IOC/WP. No.21982/2026, dated 03.09.2026 and quash the same as illegal and violation of law and consequently direct the Respondents to vacate and deliver vacant possession of the property, being land, measuring to an extent of 1.75 Acres out of 4.56 Acres comprised in Survey Nos.49/1, 53/2, 53/3B1, 50/1, 50/2 and 53/1A situated at G.N.T road, Semubulivaram Village, Ponneri Taluk, Tiruvallur District to the petitioners together with damages.

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For Petitioner(s): Mr R.Munuswamy

For Respondent(s): Mr.R.Sridhar
Standing Counsel

Order

This writ petition has been filed for the following relief:

> "*To issue a Writ of Certorarified Mandamus calling for the impugned communication of the respondents, Ref. IOC/WP. No.21982/2026, dated 03.09.2026 and quash the same as illegal and violation of law and consequently direct the Respondents to vacate and deliver vacant possession of the property, being land, measuring to an extent of 1.75 Acres out of 4.56 Acres comprised in Survey Nos.49/1, 53/2, 53/3B1, 50/1, 50/2 and 53/1A situated at G.N.T road, Semubulivaram Village, Ponneri Taluk, Tiruvallur District to the petitioners together with damages*."

2. The petitioners would submit that they are the joint owners of the land measuring 4.56 acres situated at G.N.T. Road, Sembulivaram Village, Ponneri Taluk, Tiruvallur District. Out of the said extent, an extent of 1.75 acres was leased to the first respondent, an Oil Company, under a registered lease deed dated 04.10.2005 for running a petrol and diesel retail outlet. The lease was for a period of 19 years and 11 months, commencing from 04.10.2005 and ending on 03.09.2025.

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3. The petitioners would contend that they had clearly expressed their unwillingness to renew the lease and requested the first respondent to hand over vacant possession upon expiry of the lease. However, the first respondent sought renewal for a further period of 19 years and 11 months, which was rejected by the petitioners. Despite the expiry of the lease, the first respondent did not hand over possession and continued to remit the monthly rent.

4. The petitioners would further submit that they had earlier approached this Court in W.P.No.21982 of 2026 seeking a direction to the respondents to hand over vacant possession of the property. By order dated 12.06.2026, this Court directed the respondents to consider their representation dated 21.07.2025. Thereafter, the first respondent, by the impugned communication dated 03.09.2026, offered a monthly rent of Rs.5,00,000/- for renewal of the lease for another 15 years, which was rejected by the petitioners. Hence, the present writ petition has been filed.

5. Heard the learned counsels on both sides and perused the materials available on record.

6. The impugned order clearly demonstrates the violation of the Latin

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maxim nemo judex in causa sua, which means "***no one should be a judge in their own cause.***" The lease deed dated 04.10.2005 clearly stipulates that the property was leased to the respondent-Corporation for a period of 19 years and 11 months, which expired on 03.09.2025. Though the petitioners had called upon the respondent-Corporation to vacate and hand over vacant possession, the Corporation continued to remain in possession and also obtained a PESO licence from the authorities. However, obtaining such licence cannot confer any right upon the Corporation to continue in possession after expiry of the lease, particularly when the landowners have declined to renew the same.

7. The learned counsel for the respondents has raised an objection regarding the maintainability of the writ petition, contending that the petitioners ought to have approached the Civil Court for recovery of possession. In this regard, it is relevant to note that the petitioners had earlier approached this Court in W.P.No.21982 of 2026 seeking delivery of vacant possession of the very same property. Though the respondents did not raise any objection regarding maintainability in the said proceedings, this Court directed them to consider the petitioners' representation and pass appropriate orders. Further, the Hon'ble Supreme Court in ***C. Albert Morris Vs. K. Chandrasekaran,*** reported in ***(2006) 1 SCC 228***, held that mere continuance in possession after expiry of the lease, even if rent is received, would not confer any right upon the erstwhile

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lessee to continue in possession. The said position was also considered by the Hon'ble Supreme Court in ***National Company v. Territory Manager, Bharat Petroleum Corporation Limited***, reported in ***(2021) 13 SCC 121***, wherein the Hon'ble Supreme Court directed the respondent-Corporation to vacate and hand over vacant possession of the leased premises. In view of the above judgments, the objection regarding maintainability cannot be sustained.

8. Therefore, in the light of the above, particularly when the lease period has expired and the petitioners are not willing to renew the same, the respondent-Corporation cannot insist upon continuing in possession of the property. Accordingly, the impugned order dated 03.09.2026 is set aside and the writ petition is allowed. The respondents are directed to vacate and hand over vacant possession of the property to the petitioners within a period of one month from the date of receipt of a copy of this order. No costs.

03-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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