

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

THURSDAY, THE EIGHTEENTH DAY OF JULY  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI**

**WRIT APPEAL NO: 1004 OF 2023**

Writ Appeal under clause 15 of the Letters Patent Filed against the order  
Dated: 03/10/2023 in writ petition No.16735 of 2023 on the file of the High Court.

**Between:**

1. Smt. Punjala Geetha Lakshmi, W/o. Late P.Sudheer Kumar, Aged about 59 years, Occ: Household
2. Ms. Punjala Samatha, D/o.Late P.Sudheer.Kumar, Aged about 39 years, Occ: Business
3. Sri Punjala Shishir Shankar, S/o.Late P.Sudheer Kumar, Aged about 39 years, Occ: Business  
All R/o Plot No.149, New MLA, MP Colony, Road No.10-G, Jubilee Hills, Hyderabad-500033

**...APPELLANTS/PETITIONERS**

**AND**

1. M/s.Indian Oil Corporation Ltd, Having its registered office at 11-5-249/1, Bhavani Nagar, Moosapet, Hyderabad Telangana-500018
2. Petroleum and Explosives Safety Organization(PESO), Rep.By the Chief Controller of Explosives A Block, CGO Complex, V Floor, Seminary Hills, Nagpur, Maharashtra-440006 Having Local Office at- Room No.602, VI Floor, C.G.O Towers, Kavadiguda, Secundrabad-500080

**...RESPONDENTS/RESPONDENTS**

**IA NO: 1 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to receive the Show cause Notice No. P/SC/TG/14/2624, dated 10.07.2023 issued by Respondent No.2 to the Respondent No.1 herein, Document bearing LR No.A3/164/ 2023 dated 03.07.2023, Mutation Proceedings of GHMC dated

05.09.2023, the Will Deed dated 24.10.2018 and death certificate of M.Kishan Rao dated 12.01.2021 on record.

**IA NO: 2 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.2 to suspend the renewed license granted to the Respondent No.1 vide No. P/SC/TG/14/2624(P21180) dated 05.12.2020 pending the disposal of the Writ Appeal.

**Counsel for the Appellants: SRI A. VENKATES, SC REPRESENTS  
MS. BICHALA ARUNA**

**Counsel for the Respondent No.1: SRI L. RAVICHANDER, REPRESENTS FOR  
SRI DOMINIC FERNANDES (SC FOR IOCL)**

**Counsel for the Respondent No.2: SRI B. NARASIMHA SHARMA, ADDITIONAL  
SOLICITOR GENERAL OF INDIA REPRESENTS FOR GADI PRAVEEN KUMAR,  
DEPUTY SOLICITOR GENERAL OF INDIA**

**The Court Delivered the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

**WRIT APPEAL No.1004 of 2023**

**JUDGMENT:** (per the Hon'ble the Chief Justice Alok Aradhe)

Mr. A. Venkatesh, learned Senior Counsel represents  
Ms. Bichala Aruna, learned counsel for the appellants.

Mr. L. Ravichander, learned Senior Counsel represents  
Mr. Dominic Fernandes, learned Standing Counsel for  
M/s.Indian Oil Corporation Limited appears for respondent  
No.1.

Mr. B. Narasimha Sharma, learned Additional Solicitor  
General of India represents Mr. Gadi Praveen Kumar, learned  
Deputy Solicitor General of India for respondent No.2.

2. With the consent of the learned counsel for the parties,  
the matter is heard finally.

3. In this intra court appeal, the appellants have assailed the  
validity of the order dated 03.10.2023 passed by the learned

X

Single Judge by which Writ Petition No.16735 of 2023 preferred by the appellants has been dismissed on the ground that the disputed questions of fact arise for consideration.

4. Facts giving rise to filing of the appeal briefly stated are that a lease deed was executed by the appellants in favour of M/s.IBP Company Limited (M/s.Indian Oil Corporation Limited) (hereinafter referred to as 'the Corporation') on 18.06.2003 by which land measuring 1501 sq.yards forming part of total extent of 37.5 guntas of land in Survey No.20, Nagarjunasagar Hyderabad Road, Lingo jiguda, Saroornagar, Ranga Reddy District, Telangana (hereinafter referred to as 'the subject property') was leased out to the Corporation for a period of 15 years from the date of commencement of the lease i.e., 27.05.2003, on a monthly rent of Rs.19,993/- with a stipulation that the rent will be increased by 10% for every five (5) years.

5. The period of lease expired on 27.05.2018. However, the lease deed was not renewed. Therefore, the appellants issued a

notice dated 01.06.2021 by which the Corporation was requested to vacate the subject property within a period of one month and was further required to pay the rent at the enhanced rate. However, according to the appellants, the Corporation did not respond to the aforesaid notice. Therefore, the aforesaid Writ Petition was filed seeking a direction to the respondents to handover the possession of the subject property to the appellants.

6. The learned Single Judge by order dated 03.10.2023 *inter alia* held that the disputed questions arise for determination in the Writ Petition and therefore, the Writ Petition cannot be entertained. Accordingly, the Writ Petition was dismissed.

7. Learned Senior Counsel for the appellants submitted that even though the appellants had agreed for renewal of the lease deed in December, 2018, the Corporation did not take steps for renewal of lease from December, 2018, till 01.06.2021. Then, the appellants sent a notice requesting the Corporation to

vacate the schedule property within one month. It is further contended that the disputed questions of fact did not arise for consideration. In support of aforesaid submissions, reliance was placed on the decisions of the Supreme Court in **Hindustan Petroleum Corporation Limited and another v. Dolly Das<sup>1</sup>** and **National Company represented by its Managing Partner v. Territory Manager, Bharat Petroleum Corporation Limited and another<sup>2</sup>**.

8. On the other hand, learned Senior Counsel for the Corporation submitted that the Corporation had sent a communication dated 19.12.2017 to the appellants in accordance with Clause 12 of the lease deed seeking renewal of the lease. It is further submitted that the learned Single Judge has rightly dismissed the Writ Petition on the ground that the Writ Petition involves adjudication of disputed questions of fact.

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<sup>1</sup> (1999) 4 SCC 450

<sup>2</sup> (2021) 13 SCC 121

9. In view of submissions made by the learned Senior Counsel for the appellants today as well as on 26.06.2024, during the course of hearing of the Writ Appeal, learned Senior Counsel for the Corporation had prayed for short accommodation to enable him to apprise this Court with regard to the steps taken by the Corporation from 2018 to 2021 for renewal of the lease deed. Therefore, this Court on 26.06.2024 had also directed the Corporation to apprise the Court with regard to the steps taken by the Corporation for payment of rent due and payable to the appellants.

10. In compliance with the aforesaid order, the Corporation has filed an affidavit to which the appellants have filed a reply.

11. The aforesaid affidavit and the reply as filed by the parties are taken on record.

12. In the facts and circumstances of the case, the issue with regard to the steps taken by the parties with regard to the renewal of lease is also required to be adjudicated. Therefore, the order dated 03.10.2023 passed by the learned Single Judge

is set aside. The matter is remitted to the learned Single Judge for decision afresh in accordance with law. Needless to state that the learned Single Judge shall also take into account the affidavit as well as the reply filed on behalf of the parties before deciding the Writ Petition. It is made clear that this Court has not expressed any opinion on the merits of the case.

13. Accordingly, the Writ Appeal is disposed of.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/- T. KRISHNA KUMAR  
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. M/s.Indian Oil Corporation Ltd, Having its registered office at 11-5-249/1, Bhavani Nagar, Moosapet, Hyderabad Telangana-500018
2. Petroleum and Explosives Safety Organization(PESO), Rep.By the Chief Controller of Explosives A Block, CGO Complex, V Floor, Seminary Hills, Nagpur, Maharashtra-440006 Having Local Office at- Room No.602, VI Floor, C.G.O Towers, Kavadiguda, Secundrabad-500080
3. The Section Officer, E.R Section, High Court for the State of Telangana, at Hyderabad.
4. The Section Officer, Posting Section, High Court for the State of Telangana, at Hyderabad.
5. One CC to Ms. Bichala Aruna, Advocate [OPUC]
6. One CC to Sri Dominic Fernandes (SC for IOCL) [OPUC]
7. One CC to Sri Gadi Praveen Kumar, Deputy Solicitor of India[OPUC]
8. Two CD Copies

T J  
GJP

PMG.



HIGH COURT

DATED:18/07/2024

JUDGMENT

WA.No.1004 of 2023



DISPOSING OF THE WRIT APPEAL

WITHOUT COSTS

⑩ PMG.  
27/9/24.