

[3488]

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE TWENTY SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 76 OF 2026

Writ Appeal under clause 15 of the Letters Patent Appeal Preferred Against Order
Dated 14/07/2025 in WP No 824 of 2025 on the file of the High Court.

Between:

1. M/s Indian Oil Corporation Limited, Office at Indian Oil Bhavan FatehBagh Moosapet Kukatpally Industrial Estate Hyderabad Rep by its Executive Director
2. M/s Indian Oil Corporation Limited, Represented by Retail Sales Head Secunderabad Division office Indian Oil Corporation Ltd Indian Oil Bhavan Fatehbagh Moosapet Kukatpally Industrial Estate Hyderabad

...APPELLANTS

AND

1. K Shekaraiah, S/o Late Rajesham Aged 74 years Occ Retired from business R/o 1259 Parupalli Street Siddipet Siddipet District
2. K Ramesh, S/o late Rajesham Aged 73 years Occ Retired from business R/o Flat No 403 Laxmipriya Apartment Rajendra Nagar Near VMart Siddipet Siddipet District
3. K Laxminarayana, S/o late Rajesham Aged 66 years Occ Retired from Business R/o No 61107 Parupalli Street Near Kaman Siddipet Siddipet District
4. K Shiva Kumar, S/o Late Jogaiah Aged 55 years Occ Business R/o H No 806 Hari Hara Residency Siddipet Siddipet District
5. K Shashi Kumar, S/o Late Jogaiah Aged 54 years Occ Business R/o H No 14107 Parupalli Street Siddipet Siddipet District
6. The Union of India, Rep by its Under Secretary Petroleum and Natural Gas Ministry of Petroleum and Natural Gas Shastri Bhavan New Delhi
7. The Deputy Collector of Explosives, Petroleum and explosives safety Organization PESO Room No 602 6th Floor CGO Towers Kavadiguda Secunderabad

...RESPONDENTS

IA NO: 1 OF 2026

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 condone the delay of (100) days in filing the Writ Appeal in W.P.No.824 OF 2025, in the interest of justice

IA NO: 2 OF 2026

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 suspend the Order dated 14-07-2025 passed in W.P.No.824 of 2025 by the Hon'ble Single Judge of this Court

Counsel for the Appellant: SRI. YOGESH KUMAR HEROOR

Counsel for the Respondent Nos. 1to5: SRI T BALA MOHAN REDDY

**Counsel for the Respondent Nos. 6&7: SRI N. BHUJANGA RAO,
DY.SOLICITOR GENERAL OF INDIA**

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.76 of 2026

DATED: 26.02.2026

Between:

M/s. Indian Oil Corporation Limited
Office at Indian Oil Bhavan, FatehBagh,
Moosapet, Kukatpally, Industrial Estate,
Hyderabad, Rep. by its Executive Director & another

... Appellants

AND

K.Shekaraiah S/o. Late Rajesham & 6 others

... Respondents

JUDGMENT:

Heard Mr. Yogesh Kumar Heroor, learned counsel appearing for the appellants and Mr. T.Bala Mohan Reddy, learned counsel appearing for respondent Nos.1 to 5/writ petitioners.

2. The instant writ appeal is preferred against the order dated 14.07.2025 passed by the learned writ Court in W.P.No.824 of 2025.

3. Learned counsel for the parties, during the course of hearing, fairly submit that the issue involved in this writ appeal has already been considered by this

Court in W.A.Nos.97, 105 and 188 of 2026, *vide* common judgment dated 16.02.2026, and the said judgment squarely covers the present writ appeal as well.

4. The relevant portion of the said judgment dated 16.02.2026 passed in W.A.Nos.97, 105 and 188 of 2026 reads as under:

“6. The question before us is whether the learned Writ Court was right in directing IOCL to vacate the subject land after expiry of the lease period in a writ proceeding. Learned counsel for the writ petitioners/lessors have placed decision rendered on similar facts in **National Company v. Bharat Petroleum Corporation Limited and others**¹. Para 29 of the aforesaid decision is extracted hereunder:

“29. As observed by the High Court, the conduct of Respondent 1 BPCL in continuing with the occupation of the said premises without paying any rent from 31-12-2009 is unbecoming of a statutory corporation, which is a State within the meaning of Article 12 of the Constitution of India. We therefore find that while directing the respondents to vacate the said premises and hand over peaceful and vacant possession to the appellant, it will also be necessary in the interests of justice to direct Respondent 1 BPCL to pay arrears of market rent from 31-12-2009, till the date of delivery of possession at the market rate.”

They have also placed reliance on decision rendered by a Single Bench of this Court in W.P.No.25779 of 2024 dated 13.11.2024, which became final.

7. In the light of the decision referred to hereinabove in the case of **National Company** (supra), we are of the view that the issue whether a Writ Court can direct IOCL or a Petroleum Company to vacate the premises upon expiry of the lease period or not is not open to be raised specifically when the facts are not in dispute. The lease with IOCL has admittedly expired.

8. In view of the above facts and circumstances and the decisions referred to above, we are of the considered view that the appellants-IOCL should vacate the subject premises latest by 30.06.2026. They should also pay the admissible rent as per the rental

¹ (2021) 13 SCC 121

agreement, as revised periodically, till the date of their vacating the subject premises to the writ petitioners (lessors and their legal heirs), without fail.

9. With these observations, the instant Writ Appeals stand disposed of. No costs."

5. In view of the consensus arrived at, this Writ Appeal is also disposed of in terms of the common judgment dated 16.02.2026 passed in W.A.Nos.97, 105 and 188 of 2026. The appellant should vacate the subject premises latest by 30.06.2026 and pay the admissible rent as per the rental agreement, as revised periodically, till the date of their vacating the subject premises to the writ petitioners (lessors and their legal heirs), without fail.

. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/- MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Union of India, Petroleum and Natural Gas Ministry of Petroleum and Natural Gas Shastri Bhawan New Delhi
2. The Deputy Collector of Explosives, Petroleum and explosives safety Organization PESO Room No 602 6th Floor CGO Towers Kavadiaguda Secunderabad
3. One CC to SRI. YOGESH KUMAR HEROOR Advocate [OPUC]
4. One CC to SRI. T BALA MOHAN REDDY Advocate [OPUC]
5. One CC to SRI. N. BHUJANGA RAO, DY.SOLICITOR GENERAL OF INDIA [OPUC]
6. Two CD Copies

(Along with a copy of the order dated 16.02.2026 in W.A.Nos. 97,105 &188 of 2026 to this order)

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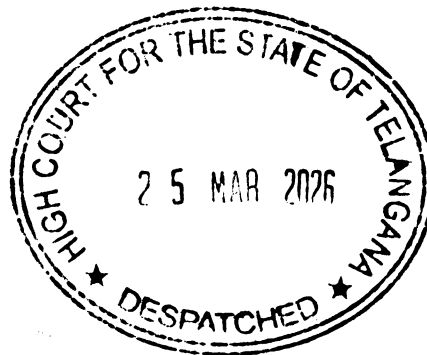
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HIGH COURT

DATED:26/02/2026

JUDGMENT

WA.No.76 of 2026



DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS

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IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

The Hon'ble The Chief Justice Sri Aparesh Kumar Singh

and

The Hon'ble Sri Justice G.M.Mohiuddin

Writ Appeal Nos.97, 105 and 188 of 2026

Dated: 16.02.2026

W.A.No.97 of 2026

Between:

**M/s. Indian Oil Corporation Limited
Rep. by its Executive Director,
office at Indian Oil Bhavan, Fateh Bagh,
Moosapet, Kukatpally Industrial Estate,
Sanathnagar, Hyderabad and 2 others**

...Appellants

and

Mujeebuddin Khan and 6 others

...Respondents

W.A.No.105 of 2026

Between:

**M/s. Indian Oil Corporation Limited
Rep. by its Managing Director
Office at Indian Oil Bhavan, Fateh Bagh,
Moosapet, Kukatpally Industrial Estate,
Sanathnagar, Hyderabad and another**

...Appellants

and

Mohammed Khaled Hussain and 4 others

...Respondents

W.A.No.188 of 2026

Between:

**Indian Oil Corporation Limited
Having its Regd. Office at
Indian Oil Bhavan, G-9, Ali Yavar Jung Marg,
Bandra (East) Mumbai and 2 others**

...Appellants

and

Smt. Koushar Jahan Begum and another

...Respondents

Common Judgment:

Mr. Srikanth Kaveti, learned counsel appears for the appellants in W.A.No.97 of 2026; Mr. Yogesh Kumar Heroor, learned counsel appears for the appellants in W.A.Nos.105 and 188 of 2026; Mr. T.Bala Mohan Reddy, learned counsel appears for respondents No.1 and 2 in W.A.No.97 of 2026; Ms. K.Hima Bindu, learned counsel appears for Mr. V.Murali Manohar, learned counsel for respondent No.1 in W.A.No.105 of 2026; Mr. Bharath Chandra Madas, learned counsel appears for Mr. B.Srinivas Rao, learned counsel for respondent No.1 in W.A.No.188 of 2026; Mr. B.Mukherjee, learned counsel appears for Mr. N.Bhujanga Rao, learned Deputy Solicitor General of India for respondent No.3 in W.A.No.97 of 2026 and respondent No.2 in W.A.No.105 of 2026 and Mr. Mahesh Raje, learned Government Pleader for Home appears for respondent No.6 in W.A.No.97 of 2026.

2. These three Writ Appeals arise out of separate orders dated 23.09.2025, 20.08.2025 and 17.12.2025, passed by the learned Writ Court in W.P.Nos.97, 105 and 188 of 2026 respectively.

3. In these three Writ Appeals, common issue is involved. Hence, they are being heard and disposed of together.

4. The lease granted in favour of the appellants-Indian Oil Corporation Limited (IOCL) by the writ petitioners (lessors) expired.

Writ petitioners approached the learned Writ Court against the action of IOCL in unlawfully occupying the lease premises after expiry of the lease period. The learned Writ Court, following the decisions rendered in similar matters, one of them being W.P.No.22224 of 2025 dated 20.08.2025, disposed of the aforesaid Writ Petitions with a direction to IOCL to vacate and hand over the peaceful possession of the subject premises to the lessors within a period of three months from the date of receipt of a copy of the order in W.P.Nos.17236 and 20918 of 2025 and within a period of two months from the date of receipt of a copy of the order in W.P.No.37277 of 2025. Being aggrieved, IOCL has preferred the instant Writ Appeals.

5. Earlier when W.A.No.97 of 2026 was taken up, learned counsel for IOCL has brought to the notice of the Court that a similar challenge is pending in SLP(C).No.1638 of 2026 [**Indian Oil Corporation Limited rep. by its Senior Regional Manager v. Satyanarayana Lahoti and others**]. Order dated 30.01.2026, passed by the Hon'ble Supreme Court in the said SLP, has been produced today during the course of hearing. The apex court has refused to exercise discretionary jurisdiction under Article 136 of the Constitution of India and dismissed the SLP. However, on the request of the petitioner-IOCL, the apex court permitted it to vacate the subject premises by 31.05.2026

subject to payment of enhanced lease rent to the respondent provided it submits an undertaking on affidavit within two weeks before the trial court that it will vacate the subject premises within the aforesaid time frame. It was, however, made clear that the view taken by the High Court shall not be treated as precedent.

6. The question before us is whether the learned Writ Court was right in directing IOCL to vacate the subject land after expiry of the lease period in a writ proceeding. Learned counsel for the writ petitioners/lessors have placed decision rendered on similar facts in **National Company v. Bharat Petroleum Corporation Limited and others**¹. Para 29 of the aforesaid decision is extracted hereunder:

“29. As observed by the High Court, the conduct of Respondent 1 BPCL in continuing with the occupation of the said premises without paying any rent from 31-12-2009 is unbecoming of a statutory corporation, which is a State within the meaning of Article 12 of the Constitution of India. We therefore find that while directing the respondents to vacate the said premises and hand over peaceful and vacant possession to the appellant, it will also be necessary in the interests of justice to direct Respondent 1 BPCL to pay arrears of market rent from 31-12-2009, till the date of delivery of possession at the market rate.”

They have also placed reliance on decision rendered by a Single Bench of this Court in W.P.No.25779 of 2024 dated 13.11.2024, which became final.

¹ (2021) 13 SCC 121

7. In the light of the decision referred to hereinabove in the case of **National Company** (supra), we are of the view that the issue whether a Writ Court can direct IOCL or a Petroleum Company to vacate the premises upon expiry of the lease period or not is not open to be raised specifically when the facts are not in dispute. The lease with IOCL has admittedly expired.
8. In view of the above facts and circumstances and the decisions referred to above, we are of the considered view that the appellants-IOCL should vacate the subject premises latest by 30.06.2026. They should also pay the admissible rent as per the rental agreement, as revised periodically, till the date of their vacating the subject premises to the writ petitioners (lessors and their legal heirs), without fail.
9. With these observations, the instant Writ Appeals stand disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

APARESH KUMAR SINGH, CJ

Date: 16.02.2026
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G.M.MOHIUDDIN, J