

APHC010171732026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

TUESDAY, THE 18th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 8722/2026

Between:

1.M. NIRMALA, W/O LATE D. SUBRAMANYAM, AGED 51 YEARS,
OCC. M/S DURGAM OIL FILLING CENTER, CHITTOOR, R/O. H. NO.
109, SAI NAGAR COLONY, KONGA REDDY PALLI, S P BANGALOW,
CHITTOOR, PO. CHITTOOR, DISTCHITTOOR, ANDHRA PRADESH -
517001

...PETITIONER

AND

- 1.UNION OF INDIA, REP. BY ITS GENERAL MANAGER, SOUTH
CENTRAL RAILWAYS, SECUNDERABAD-500025
- 2.THE DIVISIONAL RAILWAY MANAGER, SOUTH CENTRAL
RAILWAY, GUNTAKAL DIVISION, GUNTAKAL, ANDHRA PRADESH-
515801
- 3.THE DIVISIONAL ENGINEER / WEST SOUTH CENTRAL RAILWAY,
GUNTAKAL DIVISION GUNTAKAL, ANDHRA PRADESH-515801
- 4.THE ESTATE OFFICER, SOUTH CENTRAL RAILWAYS GUNTAKAL
DIVISION , GUNTAKAL, ANDHRA PRADESH-515801
- 5.THE GENERAL MANAGER, INDIAN OIL CORPORATION LTD,
CHITTOOR, ANDHRA PRADESH-517001

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the
circumstances stated in the affidavit filed therewith, the High Court may be

pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in trying to dispossess the petitioner forcibly, who is in settled and lawful possession of the petrol bunk i.e., M. Nirmala prop. M/s Durgam oil filling centre situated at D. No. 18-17 Prakasam High Road behind State Bank of India Main Branch at Chittoor Town and Mandal, without issuing notice, without affording an opportunity of hearing and without following due process of law, as Illegal arbitrary, violative of principles of natural justice, and Articles 14, 21 and 300 A to the Constitution of India, and consequently direct the Respondents not to dispossess the petitioner except by following the procedure established by law, and pass

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 direct the respondents to not to dispossess the petitioner from the peaceful possession and enjoyment of the petitioner in respect of the petrol bunk i.e., M. Nirmala prop. M/s Durgam oil filling centre situated at D. No. 18-17 Prakasam High Road behind State Bank of India, Main Branch at Chittoor Town & Mandal, pending disposal of the main Writ Petition, and pass

Counsel for the Petitioner:

1.T KUMAR BABU

Counsel for the Respondent(S):

1.G SAI NARAYANA RAO SC FOR CENTRAL. GOVT.

ORDER

This Writ Petition is filed questioning the action of the respondents in trying to dispossess the petitioner forcibly, who is in settled and lawful possession of the petrol bunk i.e. M/s. Durgam Oil Filling Centre situated at D.No.18-17, Prakasam High Road, behind State Bank of India, Main Branch,

Chittoor Town, without issuing any notice and without affording an opportunity of hearing and without following the due process of law.

2. The case of the petitioner, in brief, is that she has been operating the petrol bunk as an authorized dealer of Indian Oil Corporation Limited- Respondent No. 5 since 2010 under a dealership agreement dated 29.09.2010. She invested substantial funds in infrastructure (pumps, underground tanks, electrical installations) and has been in settled, continuous, and lawful possession for over 15 years. That the outlet is situated on land leased by Railway Authorities to Respondent No. 5 which expired on 31.03.2026. Respondent No. 3-Divisional Engineer, Railways, issued a notice dated 10.03.2026 to Respondent No. 5 to vacate the premises upon lease expiry. On 29.03.2026, individuals claiming to represent Respondent No. 3 verbally threatened the petitioner with forcible eviction on or before 31.03.2026. No direct notice or opportunity of hearing was ever issued or afforded to the petitioner by the Railway Authorities. A party in settled possession cannot be dispossessed forcibly without following due legal procedure. Therefore, the action of the respondents is arbitrary and contrary to principles of natural justice. Hence, the petition.

3. Heard Sri T. Kumar Babu, learned counsel for petitioner and Sri G.Sai Narayana Rao, learned Central Government Counsel.

4. Sri T.Kumar Babu, learned counsel for petitioner, while reiterating the contents of the writ affidavit would contend that the petitioner, who has been in settled possession cannot be dispossessed forcibly without following legal procedure and even without giving any notice and affording a reasonable time for removal of infrastructure such as pumps, underground tanks, electrical installations.

5. On the other hand, Sri G.Sai Narayana Rao, learned Standing Counsel for Railways, contended that the subject property was leased out to Indian Oil Corporation and admittedly the period of lease has been expired and soonafter the expiry, the Railways issued notice to the Corporation to vacate the land and handover vacant possession to whom the subject land was originally leased out and therefore, there is no necessity to issue notice to the petitioner. He would further contend that if the petitioner has any grievance she has to get the same sorted out with the Corporation but not with the Railways, since lacks landlord-tenant relationship between them.

6. Perused the material available on record and considered the submissions made by learned counsel for the parties.

7. There is no dispute that the subject land belongs to the Railways and Indian Oil Corporation took it on lease and the said lease has been expired. The petitioner having entered into a memorandum of agreement on 29.09.2010 is running petrol bunk in the subject premises. After expiry of the

lease period, the Indian Oil Corporation cannot squat over the property, without getting renewal/extension of lease.

8. However, as rightly contended by learned counsel for petitioner, since there used to be a petrol bunk in the subject premises, sufficient time is required for handing over vacant possession by removing the infrastructure such as underground tanks, pumps etc. Therefore, without giving any notice and without giving reasonable time the petitioner cannot be dispossessed.

9. Taking the submissions made by learned counsel for the parties, this writ petition can be disposed of granting time to the petitioner to vacate the premises.

10. Accordingly, the writ petition is disposed of, directing the petitioner to vacate and handover vacant possession within a period of one (01) month from the date of receipt of copy of this order. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

18th August, 2026

JUSTICE RAVI CHEEMALAPATI
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