



WEB COPY



W.P.No.33064 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

Writ Petition No.33064 of 2022

K.Shiva Sai

.. Petitioner

Vs.

1.The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008.

2.Vasanthakumari

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to permit the petitioner to remove the structure situated in Door No.19, 6th street, first main road, Baba Nagar, Villivakkam, Chennai-49 by de-sealing the premises for a period 45 days to enable the petitioner to remove the structure



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put up as a Badminton Academy in the name and style of ACERS Badminton Academy.

For Petitioner : Mr.P.Srinivas

For R1 : Mr.C.N.Vinobha
Standing Counsel

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

This Writ Petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to permit the petitioner to remove the structure situated in Door No.19, 6th street, first main road, Baba Nagar, Villivakkam, Chennai-49 by de-sealing the premises for a period 45 days to enable the petitioner to remove the structure put up as a Badminton Academy in the name and style of ACERS Badminton Academy.

2.By consent of both the learned counsel appearing for the petitioner as well as Mr.C.N.Vinobha, the learned Standing Counsel, who takes notice for the 1st respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3. According to the petitioner, he is the lessee of the property belonging to the 2nd respondent and has put up temporary structure and synthetic flooring and started Badminton Academy with two Courts. He did not obtain permission on the impression that for temporary structure, no permission is required from the authority. The 1st respondent after issuing notice to the petitioner to remove the temporary structure, sealed the premises on 26.08.2022 as the petitioner failed to remove the structure. The petitioner sent a representation dated 04.11.2022 to the 1st respondent seeking for permission to remove the structure put up by him by removing the seal. Since the petitioner did not get any permission for removal of structure, he has come out with the present writ petition for the relief stated above.

4. Mr. C.N. Vinobha, learned Standing Counsel appearing for the 1st respondent submitted that if the petitioner undertakes to remove the temporary structure put up by him and restore the property as per the original plan, the 1st respondent will remove the seal and permit him to remove the temporary structure put up by him.



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5.Considering the above submissions of the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the 1st respondent and intention of the petitioner to remove the temporary structure put up by him without any permission and nature of relief sought for in the present writ petition, the 1st respondent is directed to remove the seal put up by them within one week from today and on removal of seal, the petitioner is directed to remove all the structures put up by him and put the property as per the original plan, within four weeks thereafter.

6.With the above directions, the writ petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
09.12.2022

Index : Yes / No

Internet : Yes / No

Note:Issue order copy on 12.12.2022

kj

To
The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Building
No.1, Gandhi Irwin Road
Egmore, Chennai-600 008.



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**V.M.VELUMANI, J.
and
R.HEMALATHA, J.**

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