



WEB COPY



W.P.No.20264 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

W.P.No.20284 of 2023

Gowrishankar

..Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 3.
2. The Executive Engineer,
Zone VIII Greater Chennai Corporation,
No.36B, Pulla Avenue, Shenoy Nagar,
Chennai – 30.
3. Seetha Subramaniyan
W/o K.Subramaniyan
4. K.S.P.Kasi
R3 & R4 both are
residing at T4, Fourth Main Road,
Anna Nagar, Chennai – 600 040.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Mandamus to direct the respondents 1 and 2 to permit the petitioner to remove the tin sheets and fixtures from the property located at Plot No.969, G Block, 19th Street, Chennai – 600 040 based on the representation dated 23.06.2023 to enable the petitioner to handover the vacant possession of the premises to the landlord.

For Petitioner : Ms.M.Karpagam

For Respondents : Mr.E.C.Ramesh,
Standing Counsel
for Corporation/R1 & R2
Mr.P.Senthilkumar for R3 & R4

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents 1 and 2 to permit the petitioner to remove the tin sheets and fixtures from the property located at Plot No.969, G Block, 19th Street, Chennai – 600 040 based on the representation dated 23.06.2023 to enable the petitioner to handover the vacant possession of the premises to the landlord.

2. According to the petitioner, he entered into lease agreement with the 3rd respondent to take on rent the property situated at Plot No.969, G Block, 19th Street, Chennai – 600 040 and paid a rental security



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amount of Rs.3,00,000/- and for a monthly rent of Rs.15,000/-. The owner of the premises had given permission to put a badminton court for the sport activities and the petitioner constructed the badminton Court named as 'Colosseum' at a cost of Rs.50 lakhs. After three months, the petitioner was served with stop work notice by the 2nd respondent and later, a lock and seal notice dated 07.06.2016 was issued. The petitioner filed Section 80(a) application before the concerned authority and the said application was disposed of. The petitioner challenged the lock and seal notice before this Court in W.P.No.14698/2022 and the same came to be dismissed by this Court by order dated 14.06.2022. Since the badminton academy is not functioning for the last several years, the petitioner has suffered a huge financial loss. In order to take his belongings from the said premises, the petitioner sent two representations dated 11.07.2022 and 21.07.2022. In this regard, subsequently, W.P.No.20784/2022 was filed and the same was disposed of with a direction to consider the petitioner's representation. Based on the order passed by this Court, the premises was desealed on 13.11.2022. Due to financial reasons, the petitioner could not proceed with removing the tin sheets and other fixtures from the premises. Subsequently deoccupation



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notice was issued on 16.02.2023 giving 3 days time to deoccupy.

Therefore, the petitioner sent a representation on 24.02.2023 to permit him to remove the tin sheets and other fixtures and subsequently, the petitioner sent further representation on 23.06.2023 , but there was no response. Hence, this writ petition.

3. Today, when the matter is taken up, the learned counsel appearing for the 3rd respondent/owner of the premises, would submit that the 3rd respondent has no objection in the petitioner removing the tin sheets and fixtures from the said property.

4. Since the 3rd respondent has no objection, the respondents 1 and 2 are directed to permit the petitioner to remove the tin sheets and fixtures from the property at Plot No.969, G Block, 19th Street, Chennai – 600 040, to enable the petitioner to handover vacant possession of the premises to the landlord. Accordingly, the Writ Petition stands allowed.

No costs.

(J.N.B,J.) (N.M., J.)

21.07.2023

Index : Yes / No

Internet : Yes

vsi



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