



WA No.2259 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2026

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G. ARUL MURUGAN

WA No.2259 of 2024

G.Sekar : Appellant

versus

- 1.The Secretary
Government of Tamil Nadu
Municipality and Water Supply Department
Fort St. George, Chennai- 600 009.
- 2.The Municipality Administrative Director
Municipality Administrative Directorate
Santhome High Road, Chennai- 600028.
- 3.The District Collector, Thiruvannamalai District
- 4.The Zonal Municipality
Administrative Directorate
Gagithapattarai, Vellore 12
- 5.The Zonal Engineer
Zonal Municipality Administrative Directorate
Goagithapattarai Vellore- 12.
- 6.The City Commissioner
Thiruvathipuram City, Cheyyar 604 407.
- 7.The Municipal Engineer
Thiruvathipuram City, Cheyyar-604 407 : Respondents



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Prayer: Appeal filed to set aside the order dated 11.06.2024 in WP No.11280 of 2024.

For Appellant : Mr.D.Nandagopal
For Mr.R.Rajarajan

For Respondents : Mr.J.Ravindran
Additional Advocate General
Assisted By Mr. M.Habeeb Rahman
Government Advocate
For R1 To R7.

JUDGMENT

(Judgment of the Court was delivered by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. The appellant sought the following relief in the writ petition:

"Writ petition filed for the issuance of a writ of certiorarified mandamus to quash the impugned order Na.Ka/2053/2023/m1 dated 27.02.2024, to call for the records of the sixth respondents and quash the same including demolishing, disconnect electric service connection water tap connection."

3. When this case came up for hearing on 29.07.2024, in order to resolve the dispute, the appellant submitted that after the construction of a new bus stand, if the authorities allot one shop in



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favour of the appellant for running an eatery, the appellant has no objection in vacating the premises now. On such offer being made by the appellant, learned State Counsel sought for a short accommodation to get instructions and file an affidavit to that effect. The case was directed to be listed on 02.08.2024 and there was an interim order granted.

4. Since then, the case has remained pending. In the affidavit which has been filed by the respondents, it has been stated that if the appellant settles the pending dues and obtains no due certificate, and vacates the shop, the respondents undertake to allot one shop to the appellant in the newly constructed bus stand, once the construction work is complete.

5. According to the municipality, Rs.12,73,497/- is the outstanding due amount, payable by the appellant to the municipality.

6. The reason for re-allotment is that the present building is being demolished and a new bus stand building, with shops, is to be constructed. If that be the reason, putting a condition of clearing



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certain dues for re-allotment, without it being an admitted due, does not appear to be proper. Such a condition would be arbitrary. If the municipality has outstanding dues recoverable under the law, the remedy lies in taking proceedings in accordance with law towards recovery and other measures and not to make disputed outstanding claim of dues, as condition precedent for allotment of a new shop. Therefore, in these circumstances, we direct that if the appellant vacates the present shop; upon reconstruction, he would be allotted one shop in the newly constructed bus stand, without insisting on the clearance of Rs.12,73,497/-. It is made clear that allotment and possession of shop upon reconstruction shall not be dependent upon the decision of the dispute regarding outstanding dues.

6.1. This order however shall not come in the way of the respondent municipality in proceeding to recover the amount in the manner known to law.

7. The appeal stands disposed of. There will be no order as to costs. Consequently, CMP No.15917 of 2024 is closed.



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8. The appellant shall vacate the shop within a period of one month from the date of receipt of a copy of this judgment.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (G. ARUL MURUGAN, J.)
19.02.2026

Index : Yes/No
Neutral Citation : Yes/No
tar

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