



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.43211 of 2025

and

W.M.P.No.48380 of 2025

Shanthosh Vidyalaya Matric Higher Secondary School,
No.9, Gangai Street, Balaji Nagar, East Tambaram,
Chennai-600 059 rep. by its
Correspondent, G.Michael,
S/o.Gnanaprakasam

Petitioner

Vs

1.The Commissioner,
Tambaram City Municipal Corporation,
Tambaram West, Chennai-600 045.

2.The Health Officer,
Tambaram City Municipal Corporation,
Tambaram West, Chennai-600 045

3.The Sanitary Officer,
Zone-5, Tambaram City Municipal
Corporation, Tambaram East,
Chennai-600 059

Respondents

PRAYER

Writ Petition has been filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents to issue Sanitary
Certificate to the petitioner school in consideration of Application dated
1.4.2024 without insisting upon payment of property tax and to continue the



essential civic services to the petitioner school, within a time frame to be fixed by this Hon'ble Court.

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For Petitioner: Mr.G.Sankaran, Senior Counsel
for
Mr.S.Nedunchezhiyan

For Respondents: Mr.P.Srinivas,
Standing Counsel for R1 to R3

ORDER

This writ petition is filed for Mandamus directing the respondents issue sanitary certificate to the petitioner-school, on consideration of the application dated 01.04.2024, without insisting upon payment of property tax and to continue the essential civic services to the petitioner-school within a time frame to be fixed by this Hon'ble Court.

2.Upon hearing Mr.G.Sankaran, learned Senior Counsel appearing on behalf of the petitioner-school and perusing the affidavit and the other material records the case, the grievance of the petitioner-school is that for the purpose of submitting to the appropriate education authorities, when they applied for the sanitary certificate in respect of the toilet and other facilities of the school, the first respondent-corporation is refusing to issue the same. It is their contention that unless the petitioner-school deposits the entire property tax arrears, they will not issue the sanitary certificate. They have no power to withhold the sanitary certificate for the dues.



3. As far as the dues is concerned, even though there are dues of property tax, the petitioner is making a counter claim that the school premises are used for election purposes and rents if any, payable in respect thereof have not been paid to the petitioner. Therefore, unless the said issue is settled, the petitioner is not in a position to pay the arrears. In any event, the respondents are liable to be directed to issue sanitary certificate.

4. Per contra, Mr.P.Srinivas, learned standing counsel appearing for the respondents would submit that as on date, the arrears of property tax runs to Rs.13,53,144/-. The same is not paid by the petitioner herein. With reference to the Election, it is the Election Commission's decision to utilise any campus for their purpose and the amount if any payable in respect thereof will be determined only by the said authority and they can consider the representation and the amount is paid to the petitioner. The petitioner cannot plead to set off the same with the corporation.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. It is true that the sanitary certificate has to be awarded by the corporation, by inspecting the facilities and there is no any express provision to withhold the same towards the arrears of the property tax payable. But, at the



same time, while considering the rights of the petitioner, the overwhelming public interest has also to be taken into consideration by this Court. If the property tax is not paid, then, the corporation will have no wherewithal to employ persons even to maintain the sewers and to treat the sewage, etc., then the very purpose of constructing the toilets and the issue of sanitary certificate itself is gone.

7. By balancing the interest of both sides, when the matter came up on the last occasion, this Court enquired about whether the petitioner will be in a position to pay installments.

8. Today, a cheque for a sum of Rs.3,06,058/- in the name of the Commissioner, Tambaram City Municipal Corporation, is produced before this Court, bearing No.001007, drawn on City Union Bank Limited, Neungundran Branch, Nedungundram, Chennai, and with reference to the balance amount, it is submitted on behalf of the petitioner that the petitioner-school will pay the balance in 10 equal monthly installments if the same is granted by this Court.

9. The learned standing counsel appearing on behalf of the respondents would submit that even though there is no provision to grant installments, in the best interest of the collection of taxes, if the Court passes such an order, the said course can be undertaken.



10. The first and foremost, the petitioner is a school and endeavour should be made for the running of the school. Therefore, if the sanitary certificate is essential, the respondents 1 to 3 have to inspect the same and issue the sanitary certificate,

(i) Without waiting for a certified copy of this order, upon production of the web copy of the order, the respondents 1 to 3 shall do the needful to make necessary inspections etc., and issue the sanitary certificate, in accordance with law, within a period of four weeks, from the date of receipt of a web copy of the order.

(ii) The cheque, dated 06.01.2026, is handed over to the learned standing counsel appearing for the corporation in open Court. The same shall be encashed by the Corporation.

(iii) The balance amount of Rs.10,47,086/- shall be paid by the petitioner-school in ten equal monthly installments and the first installment shall start from the month of March 2026.

(iv) The instalment shall be paid on or before the 5th of the every English calendar month. If the petitioner defaults in payment of even one monthly installment, further action in the manner known to law shall be taken.

(v) As far as the claim of the petitioner with reference to the rent is concerned, the petitioner along with the web copy of the order shall make a joint representation to the Tamil Nadu State Election Commission and the



Returning Officer/ the Commissioner of Corporation in that capacity.

(vi)The appropriate authority shall consider the representation and pass a speaking order. It is made clear that if any rent is payable, the same shall also be paid, or if anything has to be communicated in writing, an order shall also be passed in writing on the representation of the petitioner.

(vii)The petitioner shall make a representation to the concerned authorities within two weeks from the date of receipt of a web copy of this order. The said representation shall be considered by the authorities and an orders shall be passed within 8 weeks therefrom.

(viii)It is needless to mention that if there is any garbage lying on the premises of the school, the same should be removed forthwith.

(ix)As far as the current half-yearly tax is concerned, the petitioner shall pay the same on or before the due date.

11. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

29-01-2026

Neutral Citation:No
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To

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Tambaram City Municipal Corporation,
Tambaram West, Chennai-600 045

2. The Health Officer,
Tambaram City Municipal Corporation,
Tambaram West, Chennai-600 45

3. The Sanitary Officer,
Zone-5, Tambaram City Municipal
Corporation, Tambaram East,
Chennai-600 059



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D.BHARATHA CHAKRAVARTHY, J.

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