



W.A.No.2162 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.2162 of 2026
and C.M.P.No.18768 of 2026

The Commissioner
Rasipuram Municipality,
Rasipuram.

Appellant(s)

Vs

1. M.Athiappan
No.14, Anna Nagar, Bharathidasan Salai,
Namakkal Road, Rasipuram - 637408
2. The Secretary to Government,
Municipal Administration and Water
Supply MAV(2) Department,
Fort St George, Chennai-600009.
3. The Commissioner of Municipal Administration
75, Urban Administrative Building,
Santhome High Road, Raja Annamalaipuram,
Chennai-600 028.

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 02.09.2024 passed by the learned Single Judge in W.P.No.5129 of 2021.



WEB COPY



W.A.No.2162 of 2026

For Appellant(s): Mr.P.Srinivas

For Respondent(s): Mr.R.Thirumoorthy
for R1

Mr.J.Lenin
Special Government Pleader
for R2 and R3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

This appeal is directed against the order dated 02.09.2024 passed by the learned Single Judge in W.P.No.5129 of 2021. By the said order, the learned Single Judge allowed the writ petition filed by the first respondent, quashed the rejection order passed by the Government, and directed the appellant/Municipality to execute a sale deed transferring the residential quarter to him at the prevailing market price.

2. The core issue before us is whether a retired employee, who has been permitted by the public authority to peacefully occupy a municipal quarter for over two decades post-retirement, with the authority regularly collecting rent, can now be abruptly evicted on the basis of an outdated administrative ban.



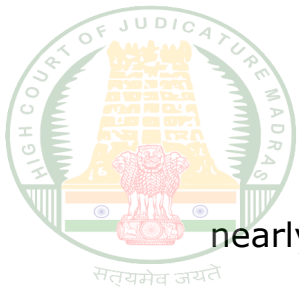
W.A.No.2162 of 2026

WEB COPY

3. The records show that under the Low Income Group Housing Scheme, 20 residential quarters were constructed by the Rasipuram Municipality with Central Government financial assistance on a "no-profit, no-loss" basis. Out of these 20 quarters, several were allotted to municipal employees on a monthly rental basis. The first respondent served as a Junior Assistant in the Municipality and was duly allotted quarter bearing Door No.14.

4. The Municipal Council formally resolved to approve the outright sale of the remaining quarters (including Door No. 14) to the occupant-employees at market value, seeking the requisite formal approval from the State Government. The Regional Director of Municipal Administration, Salem, strongly recommended this proposal to the Government on 17.02.1995.

5. The Government failed to act on the municipal proposal for decades. In the meantime, the first respondent retired from service. Rather than initiating eviction proceedings, the Municipality permitted the first respondent to continue residing in the home for



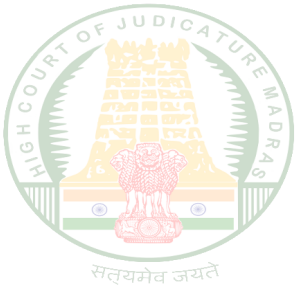
W.A.No.2162 of 2026

nearly 20 years post-retirement, regularly collecting monthly rent from him.

WEB COPY

6. When the first respondent previously approached the writ court in W.P.No.1019 of 2013 seeking execution of the sale, this Court, vide order dated 12.04.2019, categorically held that G.O.Ms.No.730, dated 14.4.1976, which was issued to ban sale of such properties, is not applicable to deny relief to the first respondent herein. It was also observed that the Government had relaxed G.O.Ms.No.730 in identical circumstances.

7. Despite the clear findings in the order dated 12.04.2019 that G.O.Ms.No.730 could not be arbitrarily invoked to treat these occupants unequally, the Government mechanically issued the impugned rejection order dated 30.07.2019 relying on the self-same G.O.Ms.No. 730. The said order dated 12.4.2019 has also attained finality. On the basis of a government order that was already held non-applicable to the petitioners by a judicial order, the impugned rejection ought not to have been passed.



W.A.No.2162 of 2026

WEB COPY

8. In the case at hand, the first respondent is now an elderly senior citizen and for over two decades following his retirement, this quarter has been his home. The Municipality willingly accepted rent from him month after month, year after year, effectively treating his occupation as settled and legitimate. Having nurtured a legitimate expectation for nearly 20 years post-retirement, the appellant Municipality cannot suddenly change its stance, turn around and attempt to uproot an elderly former worker.

9. The argument of the Municipality that these quarters are now required for working staff comes far too late. By treating the occupation as permanent and collecting rent for over two decades without making alternative arrangements, the appellant waived its right to claim immediate necessity to evict the first respondent to accommodate the in-service employees.

10. The direction issued by the learned Single Judge to execute the sale deed upon receipt of the present market value fully protects the financial interests of the public exchequer, while



W.A.No.2162 of 2026

respecting the human dignity and expectations of a retired employee settled for over two decades after retirement. We find no error or illegality in the order of the learned Single Judge.

11. For the foregoing reasons, the writ appeal is dismissed. The order passed by the learned Single Judge is hereby confirmed. The authorities concerned shall complete the process of fixing the present market value and executing the conveyance deed in favour of the first respondent within a period of eight (8) weeks from today, if not already executed. There shall be no order as to costs. Consequently, connected interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
03.08.2026

Index : Yes/No

Neutral Citation : Yes/No

sasi

To:

1. The Secretary to Government,
Municipal Administration and Water
Supply MAV(2) Department,
Fort St George, Chennai-600009.
2. The Commissioner of Municipal Administration
75, Urban Administrative Building,
Santhome High Road, Raja Annamalaipuram,
Chennai-600 028.

THE HON'BLE CHIEF JUSTICE



WEB COPY



W.A.No.2162 of 2026

AND
G.ARUL MURUGAN,J.

(sasi)

W.A.No.2162 of 2026

03.08.2026