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W.P.No.9126 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.9126 of 2026
and WMP No.9853 of 2026

G.Vijayaraja
No.13, Royal Villa Apartment
Kottur Garden 4th Main Road
Extension Kotturpuram,
Chennai - 600085.

Petitioner(s)

Vs

1. The Principal Secretary
Health And Family Welfare Department
Government of Tamil Nadu
Fort St. George, Chennai - 600009.
2. The Commissioner
Greater Chennai Corporation
Ripon Building, Chennai - 600003.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to take action for removal of stagnant water, desilting and cleaning of



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storm water drains, closure, safeguarding of open pits and rectification of sewage overflow and open sewage points contributing to mosquito breeding based on the petitioner's representation dated 18.02.2026 throughout the State of Tamil Nadu.

For Petitioner(s): Mr.S.Karthikei Balan

For Respondent(s): Mrs.M.Sneha
Special Counsel for Health and
Family Welfare Department
for R1

Mr.E.C.Ramesh
Standing Counsel for R2

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition, styled as public interest litigation, has been filed seeking issuance of a writ of mandamus to direct the respondents to take action for removal of stagnant water, de-silting and cleaning of storm water drains, closure, safeguarding of open pits and rectification of sewage overflow and open sewage points contributing to mosquito breeding based on the petitioner's representation dated 18.02.2026, throughout the State of Tamil Nadu.



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2.1. An apercu of the facts culled out from the affidavit filed in support of the writ petition is that for the past several weeks there has been an alarming increase in mosquito density in various residential areas of Chennai, including Kotturpuram, causing continuous mosquito bites, loss of sleep, fatigue, stress and deterioration of health, posing a heightened risk of vector-borne diseases such as Malaria, Dengue, Chikungunya and Zika.

2.2. The petitioner asserts that the aggravation of mosquito breeding is owing to stagnant water in storm water drains, vacant plots, construction sites, open pits, sewage overflow and open sewage lines, and specifically points to the Kotturpuram area where sewage lines are allegedly left open without adequate safeguards and stagnant water remains unattended for about one month.

2.3. It is stated that despite serious objections raised by the residents, the respondents have not carried out effective and systematic measures such as regular fogging operations, drain cleaning, and removal of stagnant water in a consistent and transparent manner. It is alleged that the inaction on the part of the



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respondent authorities runs athwart the mandate of Section 266 of the Chennai City Municipal Corporation Act, 1919.

2.4. Airing the aforesaid grievance, the petitioner sent a representation to the respondents on 18.2.2026. As the said representation did not elicit any response, the present writ petition is filed.

3. At the outset, we are constrained to observe that though the relief sought is in larger public interest, the petitioner has not placed on record any modicum of material, barring few photographs and a newspaper article. That apart, it is not stated where such photographs have been taken from. An omnibus prayer is made in the writ petition seeking a direction to be implemented through the State of Tamil Nadu, without specifically pinpointing a single location. These documents annexed to the writ petition are not supported with any asseveration contained in the writ petition.



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4. In *Laxmi Raj Shetty & Anr. Vs. State of Tamil Nadu*¹, the

Supreme Court emphatically held thus:

"25. As to the first, the accused Laxmi Raj Shetty was entitled to tender the newspaper report from the *Indian Express* of the 29th and the regional newspapers of the 30th along with his statement under Section 313 of the Code of Criminal Procedure, 1973. Both the accused at the stage of their defence in denial of the charge had summoned the editors of Tamil dailies *Malai Murasu* and *Makkal Kural* and the news reporters of the *Indian Express* and *Dina Thanthi* to prove the contents of the facts stated in the news item but they dispensed with their examination on the date fixed for the defence evidence. **We cannot take judicial notice of the facts stated in a news item being in the nature of hearsay secondary evidence, unless proved by evidence aliunde. A report in a newspaper is only hearsay evidence.** A newspaper is not one of the documents referred to in Section 78(2) of the Evidence Act, 1872 by which an allegation of fact can be proved. The presumption of genuineness attached under Section 81 of the Evidence Act to a newspaper report cannot be treated as proved of the facts reported therein.

¹ 1988 (3) SCC 319



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26. It is now well settled that a statement of fact contained in a newspaper is merely hearsay and therefore inadmissible in evidence in absence of the maker of the statement appearing in court and deposing to have perceived the fact reported."

[emphasis supplied]

5. That apart, the necessity for appropriate pleadings in sine qua non for maintaining a writ petition, in as much as such petitions are mainly decided on affidavit evidence and not witness action. On this proposition, it is propitious to refer to a decision of the Supreme Court in *Allahabad University v. Geetanjali Tiwari*², wherein after referring to a catena of earlier decisions, it was held thus:

"37. Based on the aforesaid authorities, we hold that while deciding a writ petition on the basis of affidavits, the writ court's enquiry ought to be restricted to the case pleaded by the parties and the evidence that they have placed on record as part of the writ petition or the counter/reply affidavit, as the case may be. Findings of the court have to be based on the pleadings and the evidence produced before it

² 2024 INSC 1003



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by the parties. It is well-nigh impermissible for the writ court to conjecture and surmise and make out a third case, not pleaded by the parties, based on arguments advanced in course of hearing.”

[emphasis supplied]

6. In the case on hand, the pleadings are blissfully vague and no specific location where there is any violation has been pointed out. The documents are not supported by any pleadings.

7. *De hors* the same, considering the nature of the issue raised, we directed the respondents to file status report. In the status report filed by the first respondent, it is stated that they are undertaking sustained, comprehensive, and coordinated efforts along with local bodies for the prevention and control of vector-borne diseases across the State through strengthened surveillance systems, integrated vector management, including anti-larval measures, source reduction, and anti-adult measures, source reduction, and anti-adult measures, including Indoor Residual Spray (IRS) and fogging.



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8. The first respondent also stated that all activities relating to dengue prevention and control are closely monitored through a robust and well-established surveillance mechanism in the State and the surveillance data is monitored at State and District levels on a daily, weekly and monthly basis, enabling prompt identification of hotspots and timely intervention measures. All the district data is periodically uploaded to enable the district authorities to take follow-up action. It is further stated that Weekly Review Meetings are being conducted for District Level Officials like District Health Officer, City Health Officer, Municipal Health Officer and Regional Entomologist, which cover both rural and urban areas, including Greater Chennai Corporation. It is also stated that detailed instructions have been issued by the Additional Chief Secretary to Government, Health and Family Welfare Department, to all District Collectors and local bodies emphasising daily surveillance, prompt reporting, source reduction, fogging, and inter-departmental coordination for effective control of vector-borne diseases.

9. The second respondent, in his counter affidavit, has stated that the Greater Chennai Corporation is already conducting



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intensive, city-wide mosquito control to combat dengue, using drones for larvicide spraying, installing nets over storm-water drains, and deploying over 3,000 National Urban Livelihood Mission workers for door-to-door inspections. Key efforts include daily fogging, anti-larval treatment in canals, and conducting medical camps in and around the Chennai City.

10. It is further stated the Chief Vector Control Officer conducts regular field inspections to identify mosquito breeding sources, monitoring high-risk- areas (slums, construction sites, water stagnation zones), Collect and analyse larval and adult mosquito data and maintain records of disease incidence such as dengue, malaria, etc. It is also stated that the work of removing the Water Hyacinth Plant is being carried out in and around Chennai to reduce mosquito breeding using the machine Mega Amphibian. Also, the work of removing the said Plant is being carried out using Chain JCB machines in the city. The newly constructed storm water drains and the rehabilitation works are being carried out by the Greater Chennai Water Supply and Sewerage Board in and around Kotturpuram and other parts of the Chennai City and due to the



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construction of storm water drains and rehabilitation of the storm water drains, pothole work is being carried out in approximately 10 streets in the surrounding areas of Kotturpuram and in most of the streets of the Chennai city.

11. It is further stated that dedicated sanitary workers, field staff and Sanitary Inspectors have been deployed in all zones by the Greater Chennai Corporation and the work done is being monitored by the Assistant Commissioners/Zonal Officers of all zones. Door-to-door awareness campaigns are being conducted by field staff to educate residents on maintaining hygiene and preventing mosquito breeding within their premises.

12. Apart from the above, it is seen that this Court way back on 12.11.2014, while closing a writ petition [W.P.(MD) No.14152 of 2013] seeking almost identical prayer, after considering the various measures taken by the authorities, observed thus:

"3. We are of the view that though the matter pertained to last year, this being a continuing problem, the steps taken would continue to be



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implemented. Consultation with the medical fraternity should also be an on going process. We put to the learned Special Government Pleader for the State that a Division Bench of the Delhi High Court has issued certain comprehensive directions in a Public Interest Litigation, suggesting certain remedies and he may also look to that, in case there are any additional measures available there. [ILR 1998 DCL 647].”

The case of the respondents is that all effective measures are being taken and there is a well-established surveillance mechanism in place.

13. It is trite law that right to life enshrined in Article 21 of the Constitution of India is a right to live with human dignity. The Apex Court time and again held that right to health and medical care is a fundamental right.

14. The State and its instrumentalities have a mandatory duty under the relevant laws to maintain sanitation and prevent infectious diseases. We have noted the various steps being undertaken by the respondent authorities. However, we feel it just



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and proper to observe that prevention is the cornerstone of public health policy. While the primary responsibility is of the State, the efficacy of any public health measure is contingent upon public cooperation. This brings us to the concept of Fundamental Duties under Part IVA of the Constitution.

15. Article 51A(g) of the Constitution mandates that it shall be the duty of every citizen of India *"to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures"*. A clean environment, free from disease-spreading vectors, is an intrinsic part of the natural environment.

16. Furthermore, Article 51A(i) of the Constitution casts a duty on every citizen *"to safeguard public property and to abjure violence"*. Public health infrastructure and sanitation are forms of public property. Allowing the breeding of mosquitoes through negligence amounts to an act of omission that disrupts public health order.



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17. Though we are not inclined to entertain the writ petition in view of the omnibus nature of the prayer sought, we see the present litigation not merely as a dispute between the petitioner and the State, but a call for a synergistic partnership between the administration and the citizenry. The State cannot be a silent spectator, nor can the citizen be a passive beneficiary. We, therefore, deem it appropriate to issue the following directions to the authorities, while simultaneously invoking the Fundamental Duties of the citizens:

A. DIRECTIONS TO THE RESPONDENT AUTHORITIES:

- (i) The Corporation, Municipalities, Panchayats and the Health Department, apart from the existing methodology being followed, are directed to conduct a comprehensive survey throughout the State within four weeks to identify hotspots of water stagnation and mosquito breeding;
- (ii) All construction sites must be strictly monitored. The respondents are directed to ensure that construction debris and water accumulation are



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treated immediately. Builders found violating sanitation norms shall be penalized as per the relevant municipal laws;

(iii) The respondents shall ensure regular cleaning of drains, desilting of sewers, and fogging operations, particularly in high-risk zones. A schedule of these activities shall be published on the official website of the Corporation to ensure transparency;

(iv) The State Government is directed to establish a dedicated Grievance Redressal Mechanism (*such as a helpline number, if not already extant for this purpose*) within one month, where citizens can report instances of water stagnation or lack of fogging. Such complaints must be addressed within 48 hours; and

(v) The Health Department shall launch a widespread awareness campaign through print, electronic, and social media, educating the public on the prevention of vector-borne diseases.



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B. ROLE OF CITIZENS (IN LIGHT OF FUNDAMENTAL DUTIES):

(i) Every citizen, as per Article 51A(g) of the Constitution, has a duty to prevent the creation of breeding grounds within their own premises. It is the responsibility of residents to ensure that water does not stagnate in flower pots, coolers, rooftops, or discarded containers. Negligence in private spaces leads to public health crises.

(ii) Citizens are duty-bound to cooperate with municipal workers during inspection and fogging drives. Denial of access to premises for inspection or anti-larval measures is a dereliction of constitutional duty.

(iii) Citizens should utilize the grievance mechanism established by the State to report defaulters and public health hazards, thereby assisting the administration in its duties.



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18. Let a copy of this order be communicated to the Chief Secretary of the State and the Commissioner of the Greater Chennai Corporation, Chennai, for immediate compliance.

With the above observations and directions, the writ petition is disposed of. There shall be no order as to costs. Consequently, interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
24.04.2026

Index : Yes
Neutral Citation : Yes
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To:

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THE HON'BLE CHIEF JUSTICE
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G.ARUL MURUGAN,J.

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