

K.Siva vs the Commissioner

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Court : Chennai

Decided On : Feb-27-2026

Judge : Honourable the Chief Justice, Honourable Mr. Justice G. Arul Murugan

Appeal No. : WP/40317/2025

Appellant : K.SIVA

Respondent : The Commissioner

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2026

CORAM

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA, CHIEF JUSTICE AND THE HONOURABLE MR. JUSTICE G. ARUL MURUGAN
WP No. 40317 of 2025 K.Siva S/o. Kanagaraj, Old No.247, New No.305, Thideer Nagar, Besant Nagar, Chennai-90 ... Petitioner Vs

1. The Commissioner

The Greater Chennai Corporation, Rippon Buildings, Chennai-600 003.

2. The Zonal Officer XIII Zone, Greater Chennai Corporation No.115,

Dr.Muthulakshmi Road, Adyar Chennai 600 020. 3.The Assistant Executive Engineer 179th Ward, Greater Chennai Corporation 8th East Street, Kamaraj Nagar Thiruvanmiyur, Chennai 600 041. ... Respondents For Petitioner : Mr. G.Krishnakumar For Respondents : Mr.D.B.R.Prabhu Standing Counsel

ORDER

(Order of the Court was made by the Hon'ble Chief Justice) The petitioner seeks to challenge the location where the Primary Health Center has been constructed on the ground that it encroaches upon the public road.

2. In the counter affidavit filed by the respondents, it has been

stated that on verifying the revenue records it has been found that the Primary Health Center has been constructed on the land forming part of the public road margin, which constitutes public property meant for unobstructed use by the general public. It has been categorically stated that upon verification, the Corporation found that the structure amounts to an encroachment on the public road. However, the Corporation has not put the Public Health Center to use to safeguard the public right of way. It has also been stated in the affidavit that the

Corporation has decided to shift the Primary Health Center to a suitable alternative site without any obstruction and will be re- established in accordance with the norms and health requirements within a period of six months.

3. It has also been stated that steps for removal of other

encroachments on the said road are being undertaken in a systematic and non-discriminatory manner, whereunder those encroachments will be identified, enumerated and proceeded against after issuing due notice to the occupants and providing an opportunity in accordance with law. Thereafter, appropriate steps for removal will be carried out strictly

following the procedures contemplated under the Tamil Nadu Urban Local Bodies Act, 1998.

4. In the writ petition, the petitioner has specified only with

regard to the construction of Public Health Center obstructing the public pathway. With regard to other alleged encroachments, general averments have been made which have been replied in the same manner.

5. Since the respondents have conceded to the factual position

that the Public Health Center has been constructed on the road margin of the public road, suitable action has to be taken. It has been stated that the Public Health Center will be shifted to another suitable alternative site and will be re-established within a period of six months.

6. In view of the above, the respondents are directed to relocate

the Public Health Center in the same vicinity at a suitable place as soon as possible. Since the construction appears to be small, there is no reason why it should not come up within a short period of even less than six months. The Commissioner, Corporation of Chennai, with all administrative powers in his hands, is under obligation to ensure that the Public Health Centre is constructed on an alternate location at the earliest and in any case, in six months.

7. Till the relocation takes place, we allow the present Public

Health Center to continue, though with some inconvenience, but taking into consideration that providing access to health is equally important. The Commissioner is directed to initiate disciplinary action against those who took the decision to identify the present place without properly looking into the records that a part of the land used for construction of Public Health Center included margin of the public road.

8. Though we are disposing this writ petition finally, compliance

report with regard to the action taken report against the erring officials and relocation of the Public Health Center shall be reported to the Registry of this Court. Upon receipt of such report, the Registrar (Judicial) shall register a miscellaneous case and list it before this Court for perusal and appropriate action if necessary.

9. The writ petition is disposed of accordingly. However, there shall be no order as to costs. (MANINDRA MOHAN SHRIVASTAVA, CJ.) (G.ARUL MURUGAN, J.)
27.02.2026 Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No KST To

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G.ARUL MURUGAN, J.

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