



W.P.Crl.(MD)No.347 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

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Dr.K.Rajkumar

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police,
Sellur Division,
Koodal Pudur Police Station,
Madurai-625 017.

3.The Inspector of Police,
D-3, Koodalpudur Police Station,
Madurai-625 017.

4.R.Gopalakrishnan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to take immediate and appropriate action against the 4th respondent and to remove the illegal obstruction and ensure free and fair access to the 30-feet public road in Arunachala Nagar, Anaiyur, Madurai based on the petitioner's representation, dated 26.05.2025 within the period stipulated by this Court.



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For Petitioner : Mr.N.Sathish Babu
For R1 to R3 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R4 : Mr.AN.Ramanathan

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents 1 to 3 to take immediate and appropriate action against the 4th respondent and to remove the illegal obstruction and ensure free and fair access to the 30-feet public road in Arunachala Nagar, Anaiyur, Madurai based on the petitioner's representation, dated 26.05.2025.

2. It is the case of the petitioner that there was an access through a public road, which was obstructed by the 4th respondent by constructing a wall, claiming that the plot owners of a particular layout had no access. On the complaint given by the petitioner, the Madurai Corporation, in its proceedings, dated 19.05.2025, had observed that the obstruction was illegal and accordingly removed the same. However, even thereafter, the 4th respondent is still obstructing the pathway by parking his vehicles.



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3. The learned counsel for the 4th respondent, however, would submit that the pathway was never meant to be an access to reach the petitioner's plots; that therefore, the 4th respondent was justified in preventing such access; and that the dispute is purely civil in nature and can be adjudicated only by a competent civil Court.

4. The learned Additional Public Prosecutor, would submit that an enquiry is pending on the representation of the petitioner.

5. It is not in dispute that there is a road between the petitioner's plots and the layout. However, it is the case of the fourth respondent that there is no access as per the approved layout. It is seen from the proceedings of the Corporation of Madurai, dated 19.05.2025, that the Corporation found that the fourth respondent had illegally obstructed a public road by constructing a wall and the same was removed.

6. If the fourth respondent was aggrieved by such action, he ought to have challenged the same in the manner known to law or established his right by filing a civil suit. However, it appears that the fourth respondent is now obstructing access by parking his vehicles on the road, claiming that he has the



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right to obstruct. This Court is of the view that such acts of the fourth respondent are illegal and cannot be permitted. Accordingly, the respondents 2 and 3 are directed to forthwith remove the obstruction and ensure free access to the petitioner, unless there is any contrary order passed by a competent civil court.

7. With the above observation, this Writ Petition is disposed of. No costs.

14.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

Indu/ars



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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