



W.P.(MD)No.1109 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2026**

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THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.1109 of 2026 &
W.M.P.(MD)Nos.859 of 2026

Raspect Nyalsingh Mani

...Petitioner

vs.

1.The District Collector,
Tirunelveli District.

2.The Commissioner,
Agricultural Marketing & Agri Business,
Guindy,
Chennai.

3.The Secretary,
Agricultural Marketing & Agri Business,
Tirunelveli.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus forbearing the 2nd and 3rd respondents from closing the public pathway situated in Survey No.1981 Perunkudi Village, Radhapuram Taluk, Tirunelveli District by fixing the gates with a view to stop the petitioner's access thereon for reaching the petitioner property situated in Survey No.1976A/6, Perunkudi Village, Radhapuram Taluk, Tirunelveli District in view of the communication made by the 2nd respondent vide his letter No.Vikuthi4/93/2009 dated 16.04.2009.



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(Prayer amended vide Court order dated 27.01.2026 in W.M.P.(MD)No.1209 of 2026 in W.P.(MD)No.1109 of 2026)

For Petitioner : Mr.R.Anand

For Respondents : Mr.K.Balasubramani,
Special Government Pleader

ORDER

This Writ Petition has been filed to forbear the respondents 2 and 3 from closing the public pathway situated in Survey No.1981, Perunkudi Village, Radhapuram Taluk, Tirunelveli District by fixing the gates with a view to stop the petitioner's access thereon for reaching the petitioner's property situated in Survey No.1976A/6, Perunkudi Village, Radhapuram Taluk, Tirunelveli District in view of the communication made by the 2nd respondent vide his letter No.Vikuthi4/93/2009, dated 16.04.2009.

2. The learned counsel appearing for the petitioner would submit that, in the present case, one Krishnaraj, who is a contractor for collecting parking fees, has put up a big gate in a public pathway in Survey No.1981, Perunkudi Village, Radhapuram Taluk, Tirunelveli District, so as to cause inconvenience and obstruct the petitioner from reaching his property. Hence, the Writ Petition.



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3. The learned Special Government Pleader appearing for the respondents would submit that, in the present case, the subject pathway is a public pathway and the respondents 2 and 3 have no objection for the petitioner and others to use the same. The petitioner's allegations are against one Krishnaraj. However, he is not arrayed as a party before this Court. He therefore, prayed for appropriate orders.

4. I have given due consideration to the submissions made on either sides.

5. As rightly contended by the learned Special Government Pleader appearing for the respondents, the respondents 2 and 3 have no objection for the petitioner to use the subject pathway. According to the petitioner, one Krishnaraj is preventing him and others from using the subject pathway. However, he is not added as a party before this Court. Under such circumstances, no mandamus can be granted against the said Krishnaraj. As stated above, the respondents 2 and 3 are not obstructing the petitioner from using the subject pathway and hence, there is no necessity for issuing a mandamus to them.



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6. In such circumstances, the petitioner is granted liberty to implead the said Krishnaraj as a party in future litigations, if any. With the above liberty, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

05.02.2026

Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

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To

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Guindy, Chennai.

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KRISHNAN RAMASAMY, J.

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