



W.P(MD)No.10606 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.06.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.10606 of 2023

Kanakaraj

... Petitioner

Vs.

- 1.The State represented by
The Additional Chief Secretary,
Publics Works Department,
State of Tamil Nadu,
Fort St.George,
Secretariat,
Chennai – 600 009.
- 2.The State represented by
The Principal Secretary,
Department of Municipal Administration
and Water Supply,
State of Tamil Nadu,
Fort St.George,
Secretariat,
Chennai – 600 009.
- 3.The District Collector,
Office of the District Collector,
Madurai District.



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4. The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Outpost, Thallakulam,
Madurai – 625 002.

5. The Chief Engineer,
Public Works Department,
Water Resources Organisation,
Madurai Region,
Thallakulam,
Madurai – 625 002.

6. The Superintending Engineer,
Public Works Department,
Water Resources Organisation,
Periyar Vaigai Basin Circle,
Madurai Region,
Madurai – 625 002.

7. The Executive Engineer,
Public Works Department,
Water Resources Organisation,
Periyar Main Canal Division,
Melur,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to inspect and remove all types of encroachments made at the water channels connecting to Uthangudi Kanmoi, Narayanapuram Nagankulam Kanmoi, Periyapuliyankulam Kanmoi, Aathikulam Kanmoi and Pudur Gandhipuram Kanmoi in Madurai District and restore the Periyar Canal which transports water from Vaigai dam to the above said Kanmois in accordance with law within the time stipulated by this court.



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For Petitioner : Mr.R.Alagumani
For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R.1 to R.3 & R.5 to R.7

Mr.P.Mayil Vahanan
Standing Counsel for R.4

ORDER

Heard the learned counsel on either side.

2. The prayer made is too general and sweeping in nature. The petitioner wants the encroachments to be removed. But the encroachers have not been made parties even in representative capacity. This Court cannot be expected to pass orders behind their back. This writ petition is dismissed. We make it clear that the dismissal of this writ petition will not bar the petitioner from filing any fresh writ petition by couching the prayer appropriately. There shall be no order as to costs.

[G.R.S., J.] [B.P., J.]
02.06.2023

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