

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Original Suit (s). No(s).3/2006

STATE OF TAMIL NADU

Petitioner(s)

VERSUS

STATE OF KERALA . & ANR.

Respondent(s)

(IA No. 28/2017 - Application for direction for execution of decree
IA No. 154780/2021 - CLARIFICATION/DIRECTION, IA No. 187706/2019 -
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

W.P.(C) No.880/2020 (PIL-W)

(IA No. 115585/2020 - APPLICATION FOR PERMISSION, IA No.18206/2022
- APPLICATION FOR PERMISSION, IA No. 34931/2021 - APPLICATION FOR
PERMISSION, IA No. 79129/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA
No. 154819/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 180914/2022
- APPROPRIATE ORDERS/DIRECTIONS, IA No. 174262/2022 -
CLARIFICATION/DIRECTION, IA No. 163559/2021 - EXEMPTION FROM FILING
AFFIDAVIT, IA No. 161983/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA
No. 159153/2021 - INTERVENTION APPLICATION, IA No. 1136/2022 -
INTERVENTION/IMPLEADMENT, IA No. 226299/2024 -
INTERVENTION/IMPLEADMENT, IA No. 165569/2021 -
INTERVENTION/IMPLEADMENT, IA No. 159084/2021 -
INTERVENTION/IMPLEADMENT, IA No. 202747/2023 - PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 41095/2022 -
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA
No.226223/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

SLP(C) No. 3924/2021 (XI-A)

(IA No. 32597/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

W.P.(C) No. 1225/2021 (PIL-W)

(IA No. 144691/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA
No.161563/2021 - CLARIFICATION/DIRECTION, IA No. 144692/2021 -
EXEMPTION FROM FILING O.T., IA No. 161074/2021 -
INTERVENTION/IMPLEADMENT)

W.P.(C) No. 86/2022 (X)

(IA No. 18291/2022 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL
VAKALATNAMA/OTHER DOCUMENT, IA No. 18290/2022 - EX-PARTE AD-INTERIM
RELIEF)

Diary No(s). 37275/2024 (X)

(IA No. 242455/2024 - CONDONATION OF DELAY IN REFILEING/CURING THE
DEFECTS, IA No. 20859/2025 - INTERVENTION/IMPLEADMENT)

Date : 06-05-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

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Petitioner-in-person

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Mr. Sharath Nambiar, Adv.
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Mr. N Subramaniyan, Adv.
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Mr. Abhay Nair, Adv.
Mr. P Rohit Ram, Adv.

Mr. S. Prabu Ramasubramanian, Adv.
Mr. Manoj Kumar A., Adv.
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Ms. Uma Devi. M, AOR

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Ms. Divya Mishra, Adv.
Ms. Deepmala, Adv.
Ms. Jyoti Zongluju, Adv.
Mr. M. Bruce Milton, Adv.
Mr. Shiv Kumar Vats, Adv.
Mr. P. Prabakaran, Adv.
Mr. Roshan Chapagain, Adv.

Mr. M. Srinivasan, Adv.
Mr. Narender Kumar Verma, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned senior counsel for the parties as well as learned Additional Solicitor General of India on behalf of the Union.

2. Vide an order dated 19.02.2025 some urgent issues with reference to maintenance of the Mulla Periyar Dam, as raised by the State of Tamil Nadu, were identified in paragraph 5. Thereafter, the Supervisory Committee constituted by this Court under the 2014 judgment was directed to convene a meeting by associating the representatives of the States of Tamil Nadu and Kerala, and find out a solution, preferably acceptable to both the States.

3. The issues on which the Supervisory Committee was directed to convene a meeting and find out the solutions pertain to:

(i) Permission for felling of trees;

(ii) Permission to carry material and machinery for the repair site;

(iii) Repair of Vallakadavu Ghat road;

(iv) Plying of one more boat in Periyar Lake;

(v) Permission to repair the Dormitory Block;

(vi) To declare Clause 2 of the conditions contained in the letter dated 13.12.2024 sent by the Kerala Government which mandates the presence of the Executive Engineer of Kattappana at the site where the repair/construction work is permitted to be carried out by the State of Tamil Nadu.

4. Today, learned ASG has handed over a copy of the minutes of

the meetings of the Supervisory Committee of Mulla Periyar Dam. The report suggests that besides the Chairman of the Supervisory Committee and its members nominated by Union of India, representatives of both sides, including senior officers in the rank of Additional Chief Secretary/Principal Secretary, participated in the meetings of the Supervisory Committee. The report acknowledges the issues which are required to be addressed urgently, refers to the deliberations held with respect to each issue, and the decision taken in consultation with the representatives of the State Government.

5. It, however, seems that both the States have not shown the desired seriousness concerning the recommendations made by the Supervisory Committee as no follow-up steps have been taken by them. We see no justification for inaction on the part of the State Authorities, especially when vide paragraph 7 of our order dated 19.02.2025, it already stood clarified that if the Supervisory Committee is not able to resolve the issues, the same shall be adjudicated by this Court on merits.

6. The report dated 25.04.2025 of the Supervisory Committee further reveals that besides the six issues shortlisted by us for consideration of the said Committee, there were some other agenda items which were agreed upon by the two States in the meeting held on 23.01.2025, which included:

- (i) Formation of sub-committee of the Supervisory Committee;
- (ii) Terms of reference of Emergency Action Plan submitted by the Government of Tamil Nadu.
- (iii) Upstream face treatment of main dam;

- (iv) Terms of reference of Comprehensive Dam Safety Evaluation submitted by Government of Tamil Nadu;
- (v) Status of sharing of real time rainfall/flood data for inflow forecasting in the catchment of MPD reservoir;
- (vi) Cracks in the upstream earth retaining wall at right bank;
- (vii) Status of review of Seismic Parameters as per IS code;
- (viii) Retaining wall for Strengthening of the Earthen Bund of the left side of the additional three vents;
- (ix) Vulnerability and hazard classification of Dam.

7. Keeping in view the mandate given to the Supervisory Committee by this Court through a judgment *inter se* the parties, we direct the States of Tamil Nadu and Kerala to act upon the recommendations made by the Supervisory Committee in its report forwarded on 25.04.2025. However, in case the States find any impediment in giving effect to these recommendations, liberty is granted to raise such issue before us on the next date of hearing.

8. Both the sides shall submit their compliance report with respect to these issues. The follow-up action shall be taken by both the sides within a period of two weeks.

9. Post the matters on 19.05.2025 at 2 p.m.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR