

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

I.A. NO. 19 IN ORIGINAL SUIT NO. 3/2006

STATE OF TAMIL NADU

Petitioner(s)

VERSUS

STATE OF KERALA & ANR.

Respondent(s)

(Appln(s) for directions and office report)

Date: 15/12/2011
today.

This application was called on for hearing

CORAM :

HON'BLE	MR.	JUSTICE	D.K. JAIN
HON'BLE	MR.	JUSTICE	R.M. LODHA
HON'BLE	MR.	JUSTICE	DEEPAK VERMA
HON'BLE	MR.	JUSTICE	CHANDRAMAULI KR. PRASAD
HON'BLE	MR.	JUSTICE	ANIL R. DAVE

For Petitioner(s)
State of T.N.

Mr. Raju Ramachandran, Sr. Adv.
 Mr. Gurukrishna Kumar, AAG
 Mr. G. Umapathy, Adv.
 Mr. B.Balaji, Adv.

For Respondent(s)
State of Kerala

Mr. Harish N. Salve, Sr. Adv.
 Mr. V. Giri, Sr. Adv.
 Mr. Mohan V. Katarki, Adv.
 Mr. Mohammed Sadique, Adv.
 Mr. Ramesh Babu M.R., Adv.
 Mr. Sushrat Jindal, Adv.
 Mr. Shekhar Prasad Gupta, Adv.

UOI

Mr. Ashok Bhan, Sr. Adv.
 Mr. S. Wasim A. Qadri, Adv.
 Mr. Anirudh Sharma, Adv.
 Mr. D.S. Mahra, Adv.
 Ms. Rashmi Malhotra, Adv.

...2/-

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

I.A. NO. 19 IN ORIGINAL SUIT NO. 3 OF 2006

On the instructions sought by the learned

Additional Solicitor General of India, in terms

of our order dated 13th December, 2011, the Ministry of Home Affairs, through its Director (Pers.) has communicated its response by way of an Office Memorandum dated 14th December, 2011.

The operative part of the memorandum reads thus:

"The Central Forces, including CISF, can be deployed at the Dam site to protect the dam and the installations at the dam site. However, this can be done either on the orders of the Hon'ble Court or on the request of the State Government concerned where the deployment of the Central Forces is to be made.

Since "Police" and "Public Order" are the State subjects under List-II of the Seventh Schedule to the Constitution of India, the primary responsibility of the "policing" and "law and order" lie with the State Government concerned. However, the Central Forces can be deployed in aid to the civil power to assist the State Government if so requested by the State Government concerned."

...3/-

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In the counter affidavit, filed on behalf of the State of Kerala, it is stated that the police and forest officials have been strictly instructed to give adequate protection to the dam site of Mullaperiyar. It is also stated that all steps have been taken by the local police and forest officials to ensure safety to the dam and adequate number of personnel have been deployed in this regard. It is further stated that the State of Kerala gives an assurance to this Court that it shall do all that is necessary to protect the dam.

Mr. Harish N. Salve, learned Senior Counsel appearing on behalf of the State of

Kerala, states that the said assurance will also
be applicable to all the facilities and
properties belonging to the State of Tamil Nadu.

We feel that in the light of the said
assurance, no further directions are called for
in this application and the same stands disposed
of accordingly.
(VINOD LAKHINA) (KUSUM GULATI)
Court Master Court Master