

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

ORIGINAL SUIT NO. 3 OF 2006

STATE OF TAMIL NADU

Plaintiff(s)

VERSUS

STATE OF KERALA & ANR.

Defendant(s)

(With office report)

Date: 10/11/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE R.M. LODHA

For Plaintiff(s) Mr. K. Parasaran, Sr. Adv
Mr. Vinod A. Bobde, Sr. Adv.
Mr. V Krishnamurthy, Sr. Adv.
Mr. G Umopathy, Adv.
Mr. R. Nedumaran, Adv.

For Defendant(s) Dr. Rajeev Dhawan, Sr. Adv.
Mr. Mohan Katarki, Adv.
Mr. G. Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. Pallavi Mohan, Adv.
Mr. Bipin, Adv.

Mr. H.P. Rawal, ASG
Mr. Ashok Bhan, Adv.
Mr. Ashis Bhan, Adv.
Mr. S Wasim A Qadri, Adv.
Ms. Saima Bakshi, Adv.
Ms. Rashmi Malhotra, Adv.
Mr. Ron Bastian, Adv.
Mr. R Malhotra, Adv.
Mr. D.S. Mahra, Adv.

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

Having heard Mr. K. Parasaran and Mr. V.A. Bobde,
learned senior counsel for the plaintiff and Dr. Rajeev
Dhawan, learned senior counsel and Mr. Mohan Katarki,

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learned counsel for the defendant No. 1 at quite some
length, we are of the view that for deciding some of the
issues framed in the suit, it would be necessary to decide
certain substantial questions of law involving
interpretation of the Constitution, in particular :

(i) Articles 3 and 4 read with Article 246 of

the Constitution;

(ii) Article 131 read with Article 32 of the Constitution;

(iii) Proviso to Article 131 read with Articles 295 and 363 of the Constitution and the effect of the Constitution (26th Amendment) Act, 1971; and

(iv) The effect of decision of this Court in Mullaperiyar Environmental Protection Forum vs. Union of India & Ors., (2006) 3 SCC 643 in the context of aforesaid constitutional provisions..

As the case involves the resolution of said questions, the suit may be placed before the Hon'ble Chief Justice of India for necessary directions for placing it before a Constitution Bench.

The contesting parties shall maintain status quo in respect of Mullai Periyar Dam as existing today. However, order of status quo will not be an impediment for the plaintiff (State of Tamil Nadu) to carry out

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maintenance and repairs for proper upkeep of the said Dam.

It will be open to the parties to apply, could there be an occasion for modification, variation or alteration of the order or need for any fresh order.

[Charanjeet Kaur]
Court Master

[Pushap Lata Bhardwaj]
Court Master