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ITEM NO.25

Court No. 9

SECTION IIIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

ORIGINAL SUIT No. 2 of 1988

STATE OF ASSAM

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.
(Office report for direction)

Respondent(s)

Original Suit No. 1 of 1989
(Office report for direction)

Date: 11/03/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Krishnan Venugopal, Sr. Adv.
Mr. Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.
Ms.Vartika Sahay, Adv.
M/S Corporate Law Group,Adv.

For Respondent(s) Mr. S.Wasim A.Qadri, Adv.
Mr. D.K.Thakur, Adv.
Mr. B.K.Prasad, Adv.
Mr. Prateek Gupta, Adv.
Mr. P. Parmeswaran,Adv.

Mr. K.N.Balgopal,AG,
Mr. Kailash Vasdev, Sr. adv.
Mr. A.P.Mukundan, adv.
MS. K.Enatoli Seema, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. Gopal Singh ,Adv
Mr. Prakash T.A., Adv.
Mr. T.Koza, Adv.
Mr. Munkundan Nambiar, Adv.
Mr. Sanjay Shandilya, Adv.

Ms. Meenakshi Arora ,Adv

Mr. Anil Srivastav, adv.
Mr. Rituraj Biswas, Adv.

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

We had while adjourning the matter on 18.02.2013 requested the Commissioner/Secretary to the Governments of Assam and Nagaland, In charge of Border Affairs to remain present in person today. We had also requested the Mediators to be present to enable us to examine whether the ongoing mediation process is yielding any result and if so, the time frame within which the same are expected to conclude. The Mediators and the officers concerned are accordingly present

today.

We have heard learned counsel for the parties as regards the progress made so far and the desirability of granting further time to the mediators to complete the mediation proceedings. Besides we have had an opportunity to interact with the officers and the Mediators in Chamber. From what was submitted at the Bar by learned counsel for the States of Assam and Nagaland and what was reported to us by the Officers and the Mediators in the interactive session that followed we get an impression that the mediation proceedings have created a congenial atmosphere for the parties to arrive at a possible amicable settlement of the border dispute between them. We are told that ever since the mediation proceedings started the incidents of violence have come down substantially and that a general atmosphere of hope and reconciliation has arisen among all concerned. We are also given to understand that while the State Governments have found it difficult to make any concrete

proposals keeping in view the sensitive nature of the issues and the possible political implication that any such proposal may have for either party, the inclination of both the parties to find a solution is not in doubt. Having said that we have made our concerns explicit to learned counsel for the parties, the mediators and the officers present that the mediation proceedings cannot go on endlessly. The present suit has been pending in this Court for more than 25 years now. Apart from framing issues and appointing a Local Commission nothing much has been done in the matter towards a final adjudication of the dispute on merits. We were, however, assured by learned counsel for the parties and the Mediators that the mediation proceedings will not be an endless affair and can be wound up within a reasonable time.

In that view we are inclined to extend time by four months' for the mediators to take the mediation process forward and if possible to submit a final report or recommendations as the case may be to us. The suit shall in the meantime stand adjourned to be posted again in the 1st week of August, 2013. The needful be done in the meantime.

| (Shashi Sareen)
| Court Master

| | (Veena Kherra)
| | Court Master

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