

ORIGINAL SUIT 2 OF 1988
ITEM No.1

Court No. 1

SECTION IIIA

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. 9 in ORIGINAL SUIT 2/1988

STATE OF ASSAM

Plaintiff (s)

VERSUS

UNION OF INDIA & ORS.

Defendant (s)

(for interim injunction and office report)
(Alongwith the record of Original Suit No. 1/1989)

WITH
Original Suit No. 1/1989
(With appln. (s) for directions and office report)

Date : 13/09/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G.P. MATHUR
HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Plaintiff/ (s)Mr. K.K. Venugopal, Sr.Adv.
ApplicantMs. Krishna Sarma, Adv.
Mr. Niraj Kumar, Adv.
for M/s. Corporate Law Group, Adv.

For Defendant (s)Mr. M.K.Banerjee, AG
Mr. B. Datta, ASG
Mr. SWA Qadri, Adv.
Mr. Gaurav Agrawal, adv.
Ms. Sushma Suri, adv.
Mr. D.S. Mahra, adv.

Mr. P. Parmeswaran,Adv.

Mr. Kailash Vasdev, Sr. Adv.
Mr. Anurag Sharma, Adv.

Mr. Gopal Singh,Adv.

Mr. S. Muralidhar,Adv.

Mr. Somiran Sharma, Adv.
Mr. Amit Sharma, Adv.

Mr. Anil Shrivastav, Adv.

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UPON hearing counsel the Court made the following
COMMON ORDER IN BOTH THE SUITS

The controversy arising for decision in both the suits centers around identification of the boundaries between the States of Nagaland, Assam and Arunachal Pradesh. Both the suits have been taken today for consolidated hearing and we have heard all the learned counsel for the parties.

In our opinion it is necessary to have a Commission appointed in exercise of the powers conferred on this Court by Order XLVI of the Supreme Court Rules, 1966 read with Order XXVI Rule 9 of the Code of Civil Procedure. So far as the appointment of local commissioner is concerned, all the parties are agreeable and the learned Attorney General for India too is agreeable to the suggestion.

The learned Attorney General for India shall seek instructions from the Government of India in the matter of the Chairperson and Members of the Commission and put forth the suggestions for the consideration of the Court on the next date of hearing.

The costs and expenses of the Commission shall be borne by the Central Government to begin with. At the end and after the submission of the Report by the Commission, the Court may pass orders regarding sharing of the same by the States.

The states shall cooperate with the Commission and render all possible assistance so that the Commission can function and smoothly discharge the duties, assigned to it by this Court. In that regard we direct undertakings on behalf of all the three States by their respective Chief Secretaries to be filed.

List for hearing and laying down terms of reference to the Commission on Friday, the 17th September, 2004.

(Ajay Kr. Jain)

(Radha R. Bhatia)

Court Master

Court Master