

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
ORIGINAL SUIT NO.5 OF 2003

STATE OF ANDHRA PRADESH

Plaintiff

VERSUS

STATE OF KARNATAKA & ANR.

Defendants

O R D E R

The instant Suit was filed in the year 2003 praying for following reliefs:

- "1. grant injunction restraining Defendant No.1 State of Karnataka from constructing the Paragodu Project on the Chitravathi river in Pennar basin and impounding water therein, till resolution of the water disputes under the provisions of the Inter-State River Water Disputes Act, 1956.
2. grant injunction restraining Defendant No.1 State of Karnataka from constructing, executing, implementing, giving effect to or impounding water, till resolution of the water disputes under the provisions of the Inter-State River Water Disputes Act, 1956, in the anicut across Pennar river near Gowribidnur Village, Teeta Project in Tumkur District, the Tank at Pasalaparthi village of Bagepalli taluk, Kolar District, the Nagarkare tank in Gowribidnur village, the new tank near Muddalodu village in Gowribidnur taluk, Karivenahalli tank in Pavagada taluk, several new Irrigation tanks in Papagni basin around Baddipalli village of Kolar District, the tank across Katnakallu Vanka near M. Gollahalli Village in Gowribidnur taluk of Kolar District, diversion anicut to feed Cholasettihalli tank near Cholasettihalli village

in Gowribidnur taluk of Kolar District, the new tank near Jalagondanahalli village in Kolar District and Nagalamadaka anicut in Tumkur district.

3. direct Defendant No.2 Government of India to forthwith take action, in accordance with the Inter State River Water Disputes Act, 1956, for settlement/adjudication of disputes, between the Plaintiff State of Andhra Pradesh and Defendant No.1 State of Karnataka.
4. pass such further decree or decrees or order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, and
5. award costs of these proceedings in faovur of the plaintiff and against the defendant No.1."

The plaintiff State also prayed for interim relief as follows:

"Pending hearing and final disposal of the Suit, the Defendant No.1 State of Karnataka be restrained by an order of ad-interim injunction of this Hon'ble Court form;

- a. constructing the Paragodu Project on the Chitravathi river in Pennar basin and impounding water therein, till resolution of the water disputes under the provisions of the Inter-State River Water Disputes Act, 1956.
- b. from constructing, executing, implementing, giving effect to or impounding water, till resolution of the water disputes under the provisions of the Inter-State River Water Disputes Act, 1956, in the anicus across Pennar river near Gowribidnur Village, Teeta Project in Tumkur District, the Tank at Pasalaparthi village of Bagepalli taluk, Kolar District, on the Nagarkare tank in Gowribidnur village, the new tank near Muddalodu village in Gowribidnur taluk, Karivenahalli tank in Pavagada taluk, several new Irrigation tanks in Papagni basin around

Baddipalli village of Kolar District, the tank across Katnakallu Vanka near M. Gollahalli Village in Gowribidnur taluk of Kolar District, diversion anicut to feed Cholasettiahalli tank near Cholasettiahalli village in Gowribidnur taluk of Kolar District, the new tank near Jalagondanahalli village in Kolar District and Nagalamadaka anicut in Tumkur district."

It is a matter of record that appropriate request for constituting an Inter-State River Water Disputes Tribunal to go into the issues has not yet been made by the plaintiff State. However, the matter has been engaging attention of this Court principally on the issue of the interim relief to be granted in the matter.

At this length of time, when 19 years have elapsed, it will be extremely difficult to consider the matter purely from the prospective of grant or non-grant of interim relief.

During the last 19 years, various developments, such as augmentation of water from the concerned river for various developmental activities including the need of the people in the Basin, have taken place. At this juncture, the matter therefore requires to be considered in the light of the present day situation.

Having considered the entirety of the matter, in our view, the proper course would be to relegate the plaintiff State to take appropriate proceedings as are open to it in law afresh, including approaching the Central Government for

constituting Inter-State River Water Disputes Tribunal or for any other appropriate remedy.

We, therefore, dispose of this Suit giving liberty as aforesaid to the plaintiff State.

At this stage, Mr. Mahfooz Ahsan Nazki, learned Advocate appearing for the State brought to our notice that the parties have exchanged pleadings and evidence was placed on record. If said pleadings and the evidence are to be relied upon, the plaintiff State may take appropriate steps in accordance with law at any given stage.

The Original Suit is disposed of in aforesaid terms leaving all questions of law open.

.....CJI.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

.....J.
(J.B. PARDIWALA)

New Delhi,
September 28, 2022