

ITEM NO.301

COURT NO.2

SECTION XVII-A

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 (s). No(s).3/2006

STATE OF TAMIL NADU

Petitioner(s)

VERSUS

STATE OF KERALA & ANR.

Respondent(s)

FOR [Application for direction for execution of decree dated 7-05-2014] ON IA 28/2017, I.A NO. 187706/2019 MAY BE READ AS I.A. NO. 187706/2019 IN I.A. 28/2017 IN O.S. 3 OF 2006 I..A NO. 154780/2021 MAY BE READ AS I.A. 154780/2021 IN I.A. 28/2017 IN O.S. 3 OF 2006
IA No. 28/2017 - Application for direction for execution of decree
IA No. 154780/2021 - CLARIFICATION/DIRECTION
IA No. 187706/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

WITH

W.P.(C) No. 880/2020 (PIL-W)

IA No. 34931/2021 - APPLICATION FOR PERMISSION

IA No. 115585/2020 - APPLICATION FOR PERMISSION

IA No. 18206/2022 - APPLICATION FOR PERMISSION

IA No. 79129/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 154819/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 180914/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 174262/2022 - CLARIFICATION/DIRECTION

IA No. 163559/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 161983/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 159153/2021 - INTERVENTION APPLICATION

IA No. 1136/2022 - INTERVENTION/IMPLEADMENT

IA No. 226299/2024 - INTERVENTION/IMPLEADMENT

IA No. 165569/2021 - INTERVENTION/IMPLEADMENT

IA No. 159084/2021 - INTERVENTION/IMPLEADMENT

IA No. 202747/2023 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

IA No. 41095/2022 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

IA No. 226223/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION

SLP(C) No. 3924/2021 (XI-A)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 32597/2021

IA No. 32597/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

W.P.(C) No. 1225/2021 (PIL-W)

IA No. 144691/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 161563/2021 - CLARIFICATION/DIRECTION

IA No. 144692/2021 - EXEMPTION FROM FILING O.T.

IA No. 161074/2021 - INTERVENTION/IMPLEADMENT

W.P.(C) No. 86/2022 (X)

FOR

FOR EX-PARTE AD-INTERIM RELIEF ON IA 18290/2022
FOR APPLICATION FOR EXEMPTION FROM FILING ORIGINAL
VAKALATNAMA/OTHER DOCUMENT ON IA 18291/2022

IA No. 18291/2022 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL
VAKALATNAMA/OTHER DOCUMENT

IA No. 18290/2022 - EX-PARTE AD-INTERIM RELIEF

Diary No(s). 37275/2024 (X)

[FOR CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS ON IA
242455/2024

FOR impleading party ON IA 20859/2025

FOR INTERVENTION/IMPLEADMENT ON IA 20859/2025

IA No. 242455/2024 - CONDONATION OF DELAY IN REFILING/CURING THE
DEFECTS

IA No. 20859/2025 - INTERVENTION/IMPLEADMENT

Date : 19-05-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE DIPANKAR DATTA

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

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Mr. Hitesh Kumar Sharma, Adv.

Mr. Amit Kumar Chawla, Adv.

Mr. Akhileshwar Jha, Adv.

Mr. Varun Verma, Adv.

Mr. Javed Raza, Adv.

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

1. Heard learned Senior Counsel for the State of Tamil Nadu, the State of Kerala as well as the learned Additional Solicitor General of India on behalf of the Union of India.
2. This Court, on 19.02.2025, while considering various applications filed on behalf of the State of Tamil Nadu, *inter alia*, alleging non-compliance of the previous decisions rendered in favour of the State, further heard the parties on the interim prayers made in I.A. No.154780/2021 in I.A. No.28 of 2017 in O.S. No.3 of 2006. In para 5 of the aforesaid order, the issues requiring urgent attention were identified, followed by the directions to the Supervisory Committee to take up and resolve those issues in association with both the States. It was further directed that in respect of any unresolved dispute, the Supervisory Committee would submit a report to enable this Court to adjudicate such issue.
3. The matter, thereafter, was taken up on 06.05.2025 when a copy of the Minutes of the Meetings of the Supervisory Committee of Mulla Periyar Dam was produced by the learned Additional Solicitor

General of India. From those proceedings, we could find that though the meetings were attended by various Senior Officers of the States of Tamil Nadu and Kerala but no effective follow-up steps were taken either by the Supervisory Committee or the States of Tamil Nadu and Kerala in that direction. Consequently and having regard to the mandate given to the Supervisory Committee by this Court in the previous decisions, we directed the States of Tamil Nadu and Kerala to act upon the recommendations made by the Supervisory Committee in its Report forwarded on 25.04.2025.

4. In purported compliance of the aforesaid order, the States of Tamil Nadu and Kerala have filed their respective affidavits/rejoinder affidavits/compliance affidavits. While some of the disputes, meanwhile, have been resolved, we deem it appropriate to issue certain directions with respect to the following issues:

(i) Cutting of trees for development

It is pointed out in the reply affidavit that the State of Tamil Nadu has submitted fresh application to the State of Kerala on 14.05.2025. The application is required to be processed by the State of Kerala, who will then forward it to the Government of India for an appropriate decision. Regardless of the statutory period prescribed for such process, we direct the State of Kerala to forward that application, along with appropriate recommendations, within a period of two weeks. On receipt of the same, Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India is directed to accord necessary sanction, subject to such terms and conditions as it may deem appropriate, within a period of three weeks thereafter. The cutting of trees will not take place before such formal sanction is accorded.

(ii) Permission for transportation of material for repair works

We are informed that there were nine repair works, suggested by the State of Tamil Nadu, for which the material

was required to be transported. The State of Kerala has consented for six such works. As regard to remaining three works, we see no justification for the State of Kerala not to accord its sanction. Let the needful, thus, be done within one week.

However, an officer, in the rank of Executive Engineer of the State of Kerala, shall remain present at the time of execution of the repair work and if he finds anything highly objectionable, a report shall be submitted for due consideration of this Court.

(iii) Repair of Vallakadavu Ghat Road

The State of Kerala has raised an objection, based upon the information of the Supervisory Committee, that the material proposed to be used for the repair of this road will have serious adverse impact on the forest. In this regard, we direct the State of Kerala to repair the road by using the material which is eco-friendly and which, according to the scientific reasons, would cause least damage to the forests, in the presence of an Executive Engineer of the State of Tamil Nadu. The cost to be incurred by the State of Kerala on such repair work shall be borne by the State of Tamil Nadu. The repair shall be completed within four weeks.

(iv) Permission to repair the Dormitory Block

We are informed that in the meeting of the Supervisory Committee, and after a joint inspection of the site, both the States have agreed for the repair of dormitory. The State of Tamil Nadu is, accordingly, permitted to carry out the repairs in the presence of an Executive Engineer of the State of Kerala.

(v) Sanction for plying of one more boat in Periyar Lake

The State of Kerala has sanctioned the launching of

a boat, subject to the condition that the State of Tamil Nadu shall comply with the provisions of the Inland Vessels Act, 2021 and the Wildlife (Protection) Act, 1972, to which the State of Tamil Nadu undertakes to comply with the statutory conditions. It is clarified that as soon as the State of Tamil Nadu comply with those requisite conditions, the State of Kerala shall permit to ply the second boat immediately.

5. The rest of the issues are directed to be taken up by the Supervisory Committee and issue clear directions, notwithstanding the stand that has been taken by any of the States. The Supervisory Committee shall make its categoric recommendations within a period of six weeks.

6. At this stage, the State of Tamil Nadu has raised the issue of grouting of the main dam in terms of the order passed by the Court on 07.05.2014. A reference has been made to the communications between the two States as well as the deliberations that have taken place in several meetings of the Supervisory Committee.

7. We direct the Supervisory Committee to immediately convene a meeting to resolve this issue and after hearing both the States, make its categoric recommendations within a period of four weeks. If the Supervisory Committee permits grouting of the main dam, the State of Kerala shall comply with those recommendations of the Supervisory Committee without any delay.

8. Post these matters for further hearing on 31.07.2025.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR