

ITEM NO.3

COURT NO.3

SECTION X

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

WRIT PETITION (CIVIL) Diary No(s). 37275/2024

MATHEWS J. NEDUMPARA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.242454/2024-PERMISSION TO APPEAR AND ARGUE
IN PERSON)

Date : 08-01-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Petitioner-in-person

For Respondent(s) Mr. Jaideep Gupta, Sr.Adv.
For State of Kerala Mr. G. Prakash, Adv.
 Mr. Anoop R., Adv.

For State of T.N. Mr. V. Krishnamurthy, Sr.Adv.
 Mr. G. Umapathy, Sr.Adv.
 Mr. D. Kumanan, Adv.

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

1. The application for permission to appear and argue in person is allowed.
2. We have heard petitioner No.1, in person, Mr. Jaideep Gupta, learned Senior Counsel for the State of Kerala as also S/Shri Krishnamoorthy and G. Umapathy, learned Senior Counsel for the State of Tamil Nadu.
3. During the course of hearing, the provisions of the Dam Safety Act, 2021 (for short, 'the Act') have been referred to by the parties. We find that in terms of Section 4(o) read with Section 5 of the Act, a National Committee on Dam Safety, consisting of the Members, as prescribed in Sub-section (1) of

Section 5 of the Act, was required to be constituted within a period of 60 days from the date of commencement of the Act, and such Committee is further required to be re-constituted for every three years thereafter.

4. It is pointed out by the petitioner as well as learned Senior Counsel for the State of Kerala that no National Committee has been constituted so far. According to them, the Rules/Regulations regarding the constitution, composition and functions of the said National Committee have also not been formulated.

5. On the other hand, Shri Krishnamoorthy, learned Senior Counsel for the State of Tamil Nadu has referred to an Office Memorandum dated 21.11.2024, issued by the Government of India, Ministry of Jal Shakti, Department of Water Resources, RD & GR (Peninsular Division) whereunder in supersession of the previous Supervisory Committee, a new Supervisory Committee, under the Chairmanship of the Chairman, National Dams Safety Authority, has been constituted. The terms of references of the new Committee are contained in para 7 of the Office Memorandum.

6. It, however, appears that there is no provision contained in the Act prescribing the constitution of a Supervisory Committee. Further, the Supervisory Committee was constituted by this Court in an earlier round of litigation with respect to the Mulla Periyar Dam. The Union of India seems to have conceptualized the constitution of a Supervisory Committee, may be in terms of the cited decision of this Court.

7. It also seems that the directions contained in para Nos.17 and 18 of the judgment dated 08.04.2022, rendered by this Court in Dr. Joe Joseph and others vs. State of Tamil Nadu and others, (2022) 6 SCC 384, are still awaiting compliance.

8. In this view of the matter, let notice be issued to the Union of India. A copy of the Writ Petition be handed over in the Office of learned Attorney General for India. Learned Attorney General for India is requested to assist the Court on the next date of hearing, especially with reference to the constitution of the

National Committee and/or giving effect to other provisions of the Act.

9. Learned Attorney General for India shall also have instructions from respondent No.2, namely, the National Dam Safety Authority with regard to the responsibility entrusted to that Authority under the Dam Safety Act, 2021.

10. Ordinarily, this kind of water dispute matter, which is broadly an inter-state dispute, ought to be heard by a three-Judge Bench. Hence, the Registry is directed to list the matter on 22.01.2025 before the three-Judge Bench.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR