

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 SORIGINAL SUIT (S). NO(S). 4/2014

STATE OF TAMIL NADU

Plaintiff(s)

VERSUS

THE STATE OF KERALA

Defendant(s)

(IA NO.1/2014 - GRANT OF INTERIM RELIEF AND IA NO.20855/2019 - FOR DIRECTIONS)

Date : 29-07-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Plaintiff(s) Mr. V. Krishnamurthy, Sr. A.A.G.
Mr. P. Wilson, Sr. Adv.
Mr. G. Umapathy, Sr. Adv.
Mr. N.R. Elango, Sr. Adv.
Mr. D. Kumanan, AOR
Ms. Deepa S., Adv.
Mr. Sheikh F Kalia, Adv.
Mr. Chinmay Anand Panigrahi, Adv.
Mr. Veshal Tyagi, Adv.

For Defendant(s) Mr. Jaideep Gupta, Sr. Adv.
Mr. G. Prakash, AOR
Mrs. Beena Prakash, Adv.
Mr. Jishnu M L, Adv.
Mrs. Priyanka Prakash, Adv.
Mr. Anoop R, Adv.

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

After hearing the learned senior counsel appearing for the parties, following issues are framed:

- i. Whether the Suit is not maintainable under Article 131 of the Constitution?

- ii. Whether the plea of the defendant on the validity of the Lease Deed of 1886 is not barred by the principles of *res judicata*?

- iii. Whether the Government of India is the true successor to the Lease Deed of 1886 instead of Government of Tamil Nadu by virtue of Article 249(b) of the Constitution, conceding that the Standstill Agreement executed between Princely State of Travancore and Dominion of India as per the provisions of Section 7(1)(b) of the Indian Independence Act, 1947 survived after the commencement of the Constitution of India?

- iv. Whether the Lease Deed of 1886 is valid and enforceable in the changed circumstances?

- v. Whether Section 108 of the State Reorganisation Act will attract and give protection to the Lease Deed of 1886 as the Section only deals with the agreements entered into by the "existing States" defined by Section 2(g) of the State Reorganisation Act of 1956?

- vi. Whether the various encroachments in the leased area

by the actions of the defendant is not an infringement on the rights of the plaintiff under the Lease Deed of 1886?

- vii. Whether the defendant is interfering with the right to peaceful and exclusive possession under the Lease Deed of 1886 and the Supplementary Agreement of 1970?
- viii. Whether the proposed Mega Car Parking area is not in the water spread area of the Mullai Periyar Dam?
- ix. Whether the proposed construction of the Mega Car Parking Complex in the water spread area of the Mullai Periyar Dam is in breach and violation of the rights under the Lease Deed of 1886?
- x. Whether the Survey Report of March 2024 submitted by the Survey of India is correct and has any relevance to the present Suit?
- xi. To what relief the plaintiff is entitled to?

We direct the parties to produce the documents within a period of eight weeks from today.

List on 30th September, 2024 for directions.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)