

ORIGINAL SUIT NO. 2/2012

STATE OF T.NADU

PLAINTIFF (S)

VERSUS

STATE OF KERALA & ANR

RESPONDENT(S)

[WITH APPLN.(S) FOR DIRECTIONS AND FOR AMENDMENT OF THE WRITTEN STATEMENT DATED 26.03.2013 AND OFFICE REPORT]

Date : 08/11/2016 This suit was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mr. Subramonium Prasad, Sr. Adv.

Mr. G. Umapathy, Adv.

Mr. B. Balaji, Adv.

For Respondent(s) Mr. Jaideep Gupta, Sr. Adv.

Mr. Mohan Katarki, Adv.

Mr. G. Prakash, Adv.

Mr. Jishnu M.L., Adv.

Mrs. Priyanka Prakash, Adv.

Mrs. Beena Prakash, Adv.

Mr. Manu Srinath, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Upon hearing the learned counsels for the parties and upon due consideration of the suggested issues the following questions are framed for trial in the suit:

1. Whether the suit is maintainable under Article 131 of the Constitution of India?

Page No. 1 of 4

2. Whether the Neyyar river is an Inter State river and the suit is not maintainable by virtue of Article 262 of the Constitution?

3. Whether the supply of water to Tamil Nadu by Kerala since 1965 was only a gesture of goodwill or a legal obligation imposed by Section 108(2) of the State Reorganization Act, 1956?

4. Whether the State of Tamil Nadu has any rights arising over the waters of the Neyyar river under Section 108 of the State Reorganization Act, 1956 or any other related provision?

5. Whether the stoppage of water by Kerala in 2004 is an unlawful variation of the Neyyar Irrigation Project protected by Section 108(2) of the State Reorganization Act, 1956?

6. Whether State II of the Neyyar Irrigation Project was taken in hand but not completed before the appointed day of 01.11.1956 to attract the first part of provisions of sub-section (2) of Section 108 of the State Reorganization Act, 1956?

Page No. 2 of 4

7. Whether Section 30 of the Kerala Water Irrigation Act, 2003 would at all be applicable to the present case?

8. Whether any part of the catchment of the river Neyyar falls in the State of Tamil Nadu and therefore it is an inter-State river?

9. Whether the defendant - State of Kerala establishes that the storage capacity of the Neyyar reservoir or carrying capacity of the left bank canal has decreased due to sedimentation or otherwise?

10. Whether the plaintiff has any cause of action to sustain the suit?

11. Was there any subsisting â Sagreement or arrangementâ \235 between the existing States before the appointed day of

1.11.1956 for supply of water to successor plaintiff â-
State of Tamil Nadu from the Neyyar Irrigation Project?

12. Whether state II of the Neyyar Irrigation Project
can be said to be â- Shad been taken in hand, but not
completedâ- \235 before the appointed day of 01.11.1956 to
attract the first part of provisions of sub-section (2) of
Section 108 of the State Reorganization Act, 1956?
Page No. 3 of 4

13. Whether state II of the Neyyar Irrigation Project
was â- Saccepted by the Government of India for inclusion in
the second five year plan before the appointed day
(1.11.1956)â- \235 to attract the second part of provisions of
sub-section (2) Of Section 108 of the State Reorganization
Act, 1956?

14. Whether the domestic supplies in the defendant â-
State of Kerala (including Thiruvananthapuram city) have a
first charge over the claims of the plaintiff -State of
Tamil Nadu in supply of water from the Neyyar Irrigation
Project?

15. Whether the plaintiff is entitled to the relief
prayed for?

Parties to file affidavit with regard to admission
and discovery of documents within three weeks from today.

List the matter thereafter.

[VINOD LAKHINA]

COURT MASTER [ASHA SONI]

COURT MASTER

Page No. 4 of 4