

ITEM NO.3

COURT NO.3

SECTION XII-A

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

IA No. 78056/2018 in
 Petition(s) for Special Leave to Appeal (C) No(s).7366-7367/2010

(Arising out of impugned final judgment and order dated 26-02-2010 in WP No. 25910/2009 26-02-2010 in WP No. 26083/2009 26-02-2010 in WP No. 25910/2009 26-02-2010 in WP No. 26083/2009 passed by the High Court Of A.p. At Hyderabad)

GOVT.OF A.P. & ORS.

Petitioner(s)

VERSUS

M/S OBULAPURAM MINIG.CO.P.LTD. & ANR.

Respondent(s)

(FOR EXTENSION OF TIME)

Date : 02-07-2018 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
 HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. A.D.N. Rao, Adv. (A.C.)

For Petitioner(s)

Mr. T. V. Ratnam, AOR

For Respondent(s)

Ms. Pinky Anand, ASG
 Ms. V. Mohana, Sr. Adv.
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 Ms. Meenu Singh, Adv.
 Ms. Surabhi Shukla, Adv.
 Ms. Shweta Sinha, Adv.

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 Mr. Bineesh K., Adv.
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Mr. Sunil Kumar Jain, AOR

Mr. Basava Prabhu Patil, Sr. Adv.
Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Arvind Kumar Sharma, AOR

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

We have heard learned counsel for the parties in respect of I.A. No.78056 of 2018 in SLP(C) No.7366 of 2010.

The prayer in the application is for extension of time in carrying out the demarcation of boundary between the States of Andhra Pradesh and Karnataka by 31st August, 2018.

Our attention has been drawn to a decision of this Court in Samaj Parivartana Samudaya and Others Vs. State of Karnataka and Others [(2013) 8 SCC 154] decided on 18th April, 2013.

It is recorded in paragraph 57 of the Report that there is some dispute about the inter-State boundary between the States of Andhra Pradesh and Karnataka and which has an impact on the mining leases that have been granted.

Paragraph 57 of the Report read as follows:

"57. In so far as settlement of the inter-state boundaries between the States of Andhra Pradesh and Karnataka is concerned, both the States have agreed to have the boundaries fixed under the supervision of the Geological Survey of India. In view of the agreement between the States on the said issue we permit the States to finalize the issue in the above terms. The operation of the 7 leases (Category B1) located on or near the inter-State boundary is presently suspended. Until the boundary issue between the two States is resolved resumption of mining operations in the 7 leases cannot be allowed."

Thereafter, in paragraph 61.13 of the Report, it is recorded that insofar as it is relevant to the present proceedings and as agreed between the two States the inter-state boundary may be determined through the intervention of the Office of Surveyor General of India.

Paragraph 61.13 of the Report reads as follows:

"61.13 Determination of the inter-State boundary between Karnataka and Andhra Pradesh in so far as the same is relevant to the present proceedings, as agreed upon by the two States, be made through the intervention of the office of Surveyor General of India."

Even though the order was passed way back in April, 2013, it has been brought to our attention that no steps were taken from 2013 onwards to demarcate the boundary between the States of Andhra Pradesh and Karnataka.

Be that as it may, on 21st April, 2014 when this matter was taken up, it was recorded that the Surveyor General of India will take a month's time starting from 18.04.2014 to complete the survey and a copy of the

interim report of the Surveyor General of India will be furnished to the learned counsel for the parties.

We are told by learned counsel for the parties that the interim report has not been furnished to them as yet.

Learned Additional Solicitor General will place the interim report on record well before the next date of hearing.

Even though one month's time expired in May, 2014, it appears that inter-State boundary between the States of Andhra Pradesh and Karnataka has not yet been demarcated.

This situation prompted us to pass an order on 14th November, 2017 noting that the boundary between the two States has not yet been demarcated. We, therefore, required the presence of some senior officers from the office of the Surveyor General of India to inform us as to when this exercise can be completed and if there is any difficulty in completing the exercise. The matter was adjourned to 8th December, 2017.

On 8th December, 2017, we had noted that the Surveyor General of India and his team of officers will coordinate with the Chief Secretary of Karnataka and the Chief Secretary of Andhra Pradesh in determining the boundary between the States of Karnataka and Andhra Pradesh. We had also required the exercise to be completed within a

period of 12 weeks and had adjourned the matter for 12 weeks. We had also made it clear that if there is any dispute in the method of demarcation of the boundary, the Surveyor General will take a final decision in the matter.

Even though 12 weeks had expired, the demarcation has not taken place and on 3rd April, 2018, two weeks' time was sought which was granted.

Now, on 23rd May, 2018, an application has been filed on behalf of the Surveyor General of India requesting for time till 31st August, 2018 to conduct the survey.

We are quite perturbed to note that the exercise that should have been completed way back in 2013 has not been completed for several years.

Since several years have elapsed, we are perturbed that the matter has been going on snail's pace for demarcation of boundary. Several allegations have been made in this regard, but we are not noting them for the time being.

Learned Additional Solicitor General has now placed before us the minutes of the meeting held on 25th and 26th June, 2018 in the Conference Room of Surveyor General Office, Survey of India Dehradun regarding inter-State boundary demarcation between the States of Andhra Pradesh and Karnataka. The minutes of the meeting are taken on

record.

We may note that in the minutes of the meeting, it has been recorded that the next meeting will be held on 23rd and 24th July, 2018 in the Office of the Surveyor General in Dehradun to arrive at the final conclusion on the matter of the inter-State boundary between the States of Andhra Pradesh and Karnataka.

We are informed by learned Additional Solicitor General that both the States are cooperating in the matter of demarcation. While this may be so, we are rather surprised that the State of Andhra Pradesh has not taken any interest in having its boundary demarcated for such a long time. What is even worse is that there is no representation on behalf of the State of Karnataka. Neither State seems to be bothered about demarcation of its boundary.

Be that as it may, since more than enough time has passed in demarcating the boundary between the two States, we expect the Surveyor General of India to take up the matter with due seriousness and complete the exercise on or before 31st August, 2018, as prayed for in the application and to ensure that the orders of this Court are eventually complied with which orders are pending compliance since 2013.

List the matter on 27th July, 2018 for further orders.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER