

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

STATE OF KERALA
(IA No.20855/2019 - APPLICATION FOR DIRECTIONS)

Defendant(s)

Date : 18-10-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHALFor Petitioner(s) Mr. V. Krishnamurthy, Sr. A.A.G.
Mr. G. Umapathy, Sr. Adv.
Mr. P. Wilson, Sr. Adv.
Mr. N. R. Elango, Sr. Adv.
Mr. D. Kumanan, AORFor Respondent(s) Mr. G. Prakash, AOR
Mr. Jishnu M L, Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.
Mr. Anoop R, Adv.UPON hearing the counsel the Court made the following
O R D E R

Learned counsel appearing for the parties pointed out that earlier effort to bring about amicable settlement has failed. The only substantive prayer in the suit reads thus:

“(i) a decree of permanent injunction restraining the Defendant State from trespassing/encroaching upon the area leased to the Plaintiff State under the Agreement of 1886 and affirmed by the Supplemental Agreements of 1970 and from taking up any further construction of the Mega Car Park in the leased area and to restore the land trespassed/encroached upon to its original state;”

Therefore, in substance, the issue to be determined is whether the construction of the Mega Car Park has been made in the leased area or whether it is outside the leased area.

Prima facie, we are of the opinion that this controversy can be resolved by directing conduct of a joint survey and determination of the precise location of the Mega Car Park.

Learned counsel appearing for the parties seeks time to take instructions on this aspect.

The joint survey can be ordered to be conducted under the supervision of the appropriate Authority to be appointed by this Court. We are putting the parties to the notice that even if they are not agreeable, we propose to pass an order directing survey.

We also direct the parties to file affidavits placing on record what according to them is the description of the land, subject matter of leases which are referred to in prayer clause (i) with reference to its areas and boundaries.

We direct the parties to take instructions and to file affidavits by 20th November, 2023.

List on 28th November, 2023.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)