CASE NO.:
Transfer Petition (civil) 430-432 of 2007

PETITIONER:
SETHUSAMUDRAM CORPN. LTD

RESPONDENT:
RAMA GOPALAN & ORS

DATE OF JUDGMENT: 17/07/2007

BENCH:
K.G. BALAKRISHNAN & R.V. RAVEENDRAN & DALVEER BHANDARI

JUDGMENT:
JUDGMENT

O R D E R

TRANSFER PETITION (C.) NOS. 430-432 OF 2007
WITH
TRANSFER PETITION (C.) NOS. 448-450 OF 2007
UNION OF INDIA & ORS. \005PETITIONER (S)
VERSUS
RAMA GOPALAN & ORS. \005RESPONDENT (S)

Issue notice.

Learned counsel appears and accepts notice on behalf of the respondents.
Heard both sides.

The petitioners in both these petitions seek transfer of three writ petitions, i.e., W.P. No. 18076 of 2007 (Rama Gopalan Vs. Union of India & Ors.), W.P. No. 18223 of 2007 (Dr. Subramanian Swamy Vs. Union of India & Ors.) and W.P. No. 18224 of 2007 (Dr. Subramanian Swamy Vs. Union of India & Ors.), pending before the High Court of Judicature at Madras to this Court. The matters are concerning the Setusamudram Project. The petitioners have alleged that earlier there was a writ petition filed by some other petitioner alleging that the project would cause serious environmental problems. That writ petition was disposed of finally by the High Court and the Special Leave Petitions (SLP (C.) No. 19176/2005 and SLP (C.) No. 20758/2005) are now pending before this Court. In the batch of writ petitions pending before the High Court, the petitioners therein have raised certain other objections and contended that there may be an alternative alignment of the project so that it may not cause any damage to the Adam's Bridge/Rama Setu which is in existence, according to the petitioners in the writ petitions. The writ petitioners have also alleged that there should be a detailed archaeological survey regarding the project. The Division Bench of the High Court issued notices in the writ petitions and by its detailed order on 19th June, 2007, the High Court has also given a direction to the Union of India to disclose whether any archaeological survey was done to consider Adam's Bridge/Rama Setu can be regarded as a National Monument

under the Ancient Monuments as Archaeological Sites and Remains Act, 1958. Certain issues in the matters pending before us and the writ petitions before the High Court are common. In all these proceedings the petitioners are opposing the project and have raised various questions.

In view of the pending proceedings before this Court and in the interest of justice that the writ petitions which are pending before the High Court of Madras are transferred to this Court. Accordingly, the transfer petitions are allowed.

As the High Court has given certain directions in the pending writ petitions, the respondents in the writ petitions who were the petitioners before this Court shall file a detailed affidavit in the transferred cases, indicating their stand, and the steps taken by them.

The Transferred Cases shall be listed with the pending Special Leave Petitions after four weeks.