



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 18th OF JUNE, 2026

WRIT PETITION No. 36057 of 2025

UMANG SINGHAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

*Shri Vibhor Khandelwal- Advocate and Shri Jayesh Gurnani-Advocate
through video conferencing for the petitioner.*

*Shri Prashant Singh- Advocate General with Shri Vivek Sharma- Deputy
Advocate General for respondent/State.*

*Shri Sanjay Agrawal- Senior Advocate with Shri Arpit Agrawal- Advocate
for respondent no.4.*

.....
WITH

WRIT PETITION No. 38278 of 2025

PRADEEP RAI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Ms. Warija Ghildyal- Advocate for the petitioner.

*Shri Prashant Singh- Advocate General with Shri Vivek Sharma- Deputy Advocate
General for respondent/State.*

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ORDER

Per. Vivek Rusia, Acting Chief Justice

Since there are common facts and grounds involved in these petitions,



hence both of them are being heard and decided analogously through a common order. For the sake of convenience, the facts of W.P No.36057 of 2025 are being taken to decide the controversy involved herein.

2. The petitioner has filed a petition before the respondent no.2/Speaker of the Madhya Pradesh Legislative Assembly on 30.06.2024, seeking the disqualification of the respondent no.4 from the legislative assembly and by way of this writ petition, seeking direction for its early disposal.

3. The facts of the case, in short, are as under:-

(i) The respondent no.4 contested the election of Madhya Pradesh Legislative Assembly 2023 from Constituency no.35 Bina as an approved candidate of Indian National Congress (hereinafter referred to as INC in short) and was elected as a candidate from the said constituency. According to the petitioner, the respondent no.4 has violantly given up her membership of the INC and have joined the Bhartiya Janta Party (hereinafter referred as BJP in short), which amounts to defection as provided under paragraph 2(1)(a) of the Tenth Schedule of the Constitution of India; therefore, the respondent no.4 is liable to be declared as disqualified from continuing as a member of the Legislative Assembly in light of Article 191(2) of the Constitution of India.

4. Learned counsel for the petitioner submits that in view of the order dated 31.07.2025 passed in *SLP (C) No. 2353-54 of 2025 (Padi Kaushik Reddy Etc. Vs. The State of Telangana and Ors. Etc.)*, the Speaker has to decide the application expeditiously as possible. Shri Khandelwal- Advocate further submits that the Apex Court in the case of *Keisham Meghachandra Singh Vs. Speaker, Manipur Legislative Assembly (2021) 16 SCC 503* has held that three months' time is a reasonable time to decide such an application; therefore, the petitioner is seeking a simple direction to the respondent no.2 to decide the pending application as early



as possible.

5. Shri Prashant Singh- Advocate General appearing for the respondent/State submits that the respondent nos. 1 and 2 have filed the status report. As per the report the petitioner submitted a petition on 30th June, 2024 under *the Madhya Pradesh Legislative Assembly Members (Disqualification on the Ground of Defection) Rules, 1986*, which was received in the Assembly Secretariat on 5th July, 2024. The respondent no.4 appeared and sought time to file a response and on 09.10.2024, she filed a reply refuting the allegations made against her about resignation from the INC or joining the BJP. Thereafter, the comments of State President of the BJP were sought. Thereafter, comments from the President of INC were also invited. On 10.02.2026, the petitioner, who is the leader of the opposition, also appeared before the Hon'ble Speaker and recorded his statement. As per the reply, the proceedings are going on. Shri Prashant Singh- Advocate General has placed reliance on the judgments in the case of *S.A Sampat Kumar Vs. Kale Yadhiah; 2016 SCC Online SC 1875, Kihoto Hollohan Vs. Zachillhu (1992) Supp. (2) SCC 651, Jagjit Singh Vs. State of Haryana; (2006) 11 SCC1, Padikaushik Reddy Vs. State of Telangana & Ors; 2025 SCC Online 1576* and submitted that the remaining term of the assembly is more than two years; therefore, no writ/direction/order is liable to be issued to conclude the proceedings expeditiously in the absence of any extreme urgency and irreparable loss. It is submitted that the Hon'ble Speaker is following the procedure of law and has conducted an enquiry on an application submitted by the petitioner. As the statements of the parties have been recorded; therefore, no writ is liable to be issued in this matter, and the petitions be dismissed.

6. Shri Sanjay Agrawal- Senior Advocate appearing for respondent no.4 submits that the respondent no.4 has neither resigned from the INC membership



nor joined the BJP. The complaints and allegations are baseless. It is submitted that unnecessarily, she is being dragged into the litigation before the Hon'ble Speaker as well in this petition.

7. No documents have been filed to show that respondent no. 4 has been expelled from INC, and she has been given membership by the BJP. In the absence of these crucial documents and the statement made by the learned senior counsel appearing for respondent no.4, we do not find any urgency in this matter. The proceedings are going on, and there is substantial development in it. In view of the categorical statement made by the respondent no.4, and in the absence of any urgency in this matter, the High Court should not issue directions or a writ to the respondent/Hon'ble Speaker to decide the application expeditiously. Accordingly, these petitions are dismissed. No order as to cost.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

(PRADEEP MITTAL)
JUDGE

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