

ITEM NO.19

COURT NO.1

SECTION X

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 S

Writ Petition(s)(Civil) No(s).685/2023

SUNIL PRABHU

Petitioner(s)

VERSUS

THE SPEAKER, MAHARASHTRA STATE LEGISLATIVE ASSEMBLY Respondent(s)

(FOR ADMISSION)

Date : 18-09-2023 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Devadatt Kamat, Sr. Adv.
Mr. Amit Anand Tiwari, Adv.
Mr. Rohit Sharma, Adv.
Mr. Nishanth Patil, AOR
Mr. Nikhil Purohit, Adv.
Mr. Jatin Lalwani, Adv.
Mr. Ayush P Shah, Adv.
Mr. Vignesh Adithiya S, Adv.

For Respondent(s) Mr. Tushar Mehta, SG
Mr. Amjith Mavilattu Anandhan, Adv.
Mr. Madhav Sinhal, Adv.
Mr. Kanu Agrawal, AOR

Mr. Mahesh Jethmalani, Sr. Adv.
Ms. Mugdha Pande, Adv.
Mr. Nishit Agrawal, AOR
Ms. Kanishka Mittal, Adv.

Mr. Neeraj Kishan Kaul, Sr. Adv.

Mr. Aviral Kapoor, Adv.
Mrs. Sonal Alagh, Adv.
Mr. Rishabh Kapoor, Adv.
Mr. Nivesh Kumar, AOR

Mr. Maninder Singh, Sr. Adv.
Mr. Arpit Gupta, AOR
Mr. Girish Bhardwaj, Adv.

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

- 1 By the judgment of this Court dated 11 May 2023, the Speaker of the Maharashtra Legislative Assembly was directed to decide the disqualification petitions within a reasonable period of time.
- 2 The grievance in the petition under Article 32 of the Constitution is that despite the passage of over four months, the Speaker has not taken steps to decide the petitions.
- 3 The Solicitor General appearing on behalf of the Speaker has submitted a note indicating that, in summation, 56 MLAs (53+3) are sought to be disqualified by different factions on different causes of action and purported events of disqualification.
- 4 Thirty four petitions require adjudication. On 15 May 2023, 23 May 2023 and 2 June 2023, representations were filed before the Speaker by the petitioner for expeditious disposal of the disqualification petitions.
- 5 The note submitted by the Speaker indicates that on 7 June 2023, a communication was addressed to the Election Commission of India seeking a copy of the original Constitution of the Shiv Sena political party. On 7 July 2023, notice was issued in all the disqualification petitions except for Group B petitions as categorized in the annexure to the note. The reply from the Election Commission was received on 22 July 2023. On 27 July 2023, notice was re-issued in the disqualification petitions in the group B petitions.
- 6 On 14 September 2023, a hearing took place before the Speaker in the disqualification petitions.

- 7 The order passed by the Speaker indicates that the counsel for the petitioner stated that an application was being moved in the course of the day seeking clubbing of the petitions. The application for clubbing the petitions has been submitted to the Speaker. The Speaker has passed other procedural directions observing that further directions would be issued in due course.
- 8 The order of this Court required the Speaker to decide the disqualification petitions within a reasonable time. While this Court is cognizant of the need to ensure a sense of comity between the Speaker who is the Head of the Legislative Assembly, we would equally expect deference to the directions which have been issued by this Court in the exercise of its constitutional power of judicial review by the Speaker acting as a tribunal under the Tenth Schedule to the Constitution.
- 9 We now direct that the proceedings shall be listed before the Speaker within a period of one week, when procedural directions shall be issued for completing the record and setting down a time schedule for hearing of the disqualification petitions.
- 10 In the meantime, soft copies of the annexures to the petitions shall be served on all the respondents under Rule 7(3) of the Members of Maharashtra Legislative Assembly (Disqualification on Ground of Defection) Rules 1986.
- 11 This Court shall be apprised by the Solicitor General on the next date of listing of the time schedule which has been set down for the expeditious conclusion of the adjudication of the disqualification petitions.
- 12 List the petition on 3 October 2023.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR