

[2023 LiveLaw \(SC\) 407](#)

IN THE SUPREME COURT OF INDIA

DR. D.Y. CHANDRACHUD, CJI., PAMIDIGHANTAM SRI NARASIMHA; J., J.B. PARDIWALA; J.

Writ Petition(s)(Civil) No(s). 462/2019; 04-05-2023

ADITYA PRASANNA BHATTACHARYA versus UNION OF INDIA & ORS.

Representation of the People Act 1951; Section 62 - Supreme Court rejects challenge to Section 62(5) RP Act which denies prisoners right to vote.

For Petitioner(s) Mr. Siddhartha Jha, AOR

For Respondent(s) Mr. Tushar Mehta, Solicitor General Mrs. Aishwarya Bhati, A.S.G. Mr. Kanu Agrwal, Adv. Mr. Pratyush Srivastava, Adv. Mr. Udai Khanna, Adv. Ms. Rooh E Hina Dua, Adv. Mr. Arvind Kumar Sharma, AOR Mr. Sidhant Kumar, Adv. Mr. Sahil Tagotra, AOR Ms. Manyaa Chandok, Adv. Ms. Abhivyakti Banerjee, Adv. Mr. Anirudh Sanganeria, AOR

ORDER

1 The constitutional validity of the provisions of Section 62(5) of the Representation of the People Act 1951 has been upheld by a two Judge Bench of this Court in ***Mahendra Kumar Shastri Vs Union of India & Anr; (1984) 2 SCC 442*** and later by a three Judge Bench of this Court in ***Anukul Chandra Pradhan, Advocate Supreme Court Vs Union of India & Ors; (1997) 6 SCC 1***.

2 In view of these decisions, we are not inclined to entertain the petition under Article 32 of the Constitution of India.

3 The Writ Petition is accordingly dismissed.

4 Pending applications, if any, stand disposed of.

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