

2022 LiveLaw (SC) 947

IN THE SUPREME COURT OF INDIA

M.R. SHAH; J., M.M. SUNDRESH; J.

Writ Petition(s)(Civil) No(s). 772/2022; 07-11-2022

CHANDAN KUMAR versus UNION OF INDIA & ORS.

Constitution of India, 1950; 10th Schedule - Anti Defection Law - Post- Poll alliance subject to certain conditions is permissible.

For Petitioner(s) Chandan Kumar, Petitioner-in-person Mr. Vimal Johnson Kerketta, Adv. Saloni Sharan, Adv. Mr. Kumar Rajeev, Adv. Mr. Dharmasheela, Adv. Ms. Kumudini Priyadarshini, Adv.

ORDER

Permission to appear and argue in person is granted.

We have heard the petitioner appearing in person.

By way of this petition, under Article 32 of the Constitution of India, the petitioner has prayed for the following relief(s):

- a) Issuance of a writ of *quo-warranto* against Respondent No.3 who has been appointed/reappointed Chief Minister of Bihar on 10.08.2022 and remove him from the office of Chief Minister as the same is in complete violation of different provisions of Constitution of India;
- b) Declare that post-poll alliance or coalition by Respondent No.3 and his political party JD(U) with Mahagathbandhan is fraud on the electorate;
- c) Pass such direction to the political parties who are indulging in horse-trading and corrupt practices due to which the citizens are denied of stable governments;
- d) Kindly direct the Parliament to make proper legislation so that pre-poll alliance are not disintegrated by the money and power hungry leaders who completely alienate their party's political program in order to meet their personal goals.
- e) Kindly direct the Parliament to amend Schedule-X of the Constitution of India in order to address the defection by the pre-poll alliance parties.
- £) Pass such other or further order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case"

However, it is required to be noted that under the provisions of the anti-defection law and even the 10th Schedule, post-alliance subject to certain conditions is permissible.

Hence, there is no substance in the present writ petition which deserves to be dismissed and is, accordingly, dismissed.