



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Misc. Application No.01/2022

in

D.B. Civil Writ Petition No. 8339/2020

Hemant Nahta S/o Late Sh. Abhay Singh Nahta, Aged About 55 Years, Advocate By Profession, R/o 657 Acharya Kriplani Marg, Adarsh Nagar, Jaipur 302004 Rajasthan.

-----Petitioner

Versus

1. The Honble Speaker, Rajasthan Assembly, Vidhan Sabha Bhawan, Jyoti Nagar, Jaipur 302005
2. The Secretary Rajasthan Legislative Assembly, Vidhan Sabha Bhawan, Jyoti Nagar, Jaipur 302005
3. The Election Commission Of India, Nirvachan Sadan, Ashoka Rd, Pandit Pant Marg Area, Sansad Marg Area, New Delhi 110001 Through Its Secretary General.
4. Mr. C.P. Joshi MLA, S/o Late Shri Ram Chandra Joshi, 49, Civil Lines, Jaipur 302006
5. Shri Deep Chand, MLA Of Kishangarhbas, S/o Shri Balu Ram Ji, Vill. Jatka Post Mahund, Teh Kishangarhbas, District Alwar. (Presently Known To Be At Hotel Suryagadh, Jaisalmer C/o Superintendent Of Police Jaisalmer)
6. Shri Lakhan Singh MLA From Karuali, S/o Shri Jagan Singh, No. 464, Saarya Ka Pura, Khadkhad, Hindaun, District Karauli. (Presently Known To Be At Hotel Suryagadh, Jaisalmer C/o Superintendent Of Police Jaisalmer)
7. Shri Rajendra Singh Ghuda, MLA From Udaipurwati, Ward No. 2, Gudha, Udaipurwati, Jhunjhunu (Presently Known To Be At Hotel Suryagadh, Jaisalmer C/o Superintendent Of Police Jaisalmer)
8. Shri Jogender Singh Awana, MLA From Nadbai S/o Shri Girwar Singh, B-256, Sector 50, Noida, Gautam Budh Nagar, Up (Presently Known To Be At Hotel Suryagadh, Jaisalmer C/o Superintendent Of Police Jaisalmer)
9. Shri Sandeep Kumar MLA From Tijara, S/o Shri Balwant



Ji, Vill. Thada, Post Seethal, Tijara, District Alwar.
(Presently Known To Be At Hotel Suryagadh, Jaisalmer
C/o Superintendent Of Police Jaisalmer)

10. Shri Wajib Ali, MLA From Nagar, S/o Shri Sher Mohammad, No. 468, Fakir Mohalla, Sikari Patti, Anshik 4, Nagar, Bharatpur (Presently Known To Be At Hotel Suryagadh, Jaisalmer C/o Superintendent Of Police Jaisalmer)

11. Bahujan Samaj Party, Through Its National General Secretary Shri Satish Kumar Mishra, 4, Gurudwara Rakabganj Road, New Delhi. 110001

-----Respondents

For Petitioner(s)

: Mr. Hemant Nahta in person



HON'BLE MR. JUSTICE PANKAJ BHANDARI
HON'BLE MR. JUSTICE UMA SHANKER VYAS (V. J.)

Order

09/06/2022

1. Application for early listing is allowed and the matter is taken upon an application (01/2022) filed by the petitioner praying for interim relief that the results of the ensuing Rajya Sabha Elections be not declared till the disposal of the present writ petition.

2. We have heard the petitioner in person at length and perused the record.

3. From perusal of the record, it is evident that the petitioner has presented this PIL on 04.08.2020 and the petition has not been admitted till date as adjournment was sought time and again by the petitioner in person. On which, petitioner contends that he was hoping that the Speaker would pass an order and therefore, there was delay on his part.



4. It is evident that the matter pertains to disqualification of six Bahujan Samaj Party MLAs who were considered as Members of the INC. The order passed by the Speaker was challenged by Bahujan Samaj Party and Madan Dilawar, a sitting MLA of Bharatiya Janta Party by filing Civil Writ Petition Nos.8056/2020 and 8004/2020. The said writ petitions were disposed by the learned Single Judge on 24.08.2020. It is informed by the petitioner that the order has been challenged before the Apex Court.

5. Admittedly the order by which the members belonging to Bahujan Samaj Party were considered as members belonging to INC was passed by the Speaker on 18.09.2019, the matter pertaining to disqualification of the six MLAs who originally were elected as Members of Bahujan Samaj Party and were later on considered as Members of the INC, is now pending before the Apex Court and there is no interim order passed by the Apex Court.

6. In the present PIL filed by the petitioner, even notices have not been issued to the other side. It is also evident that during the pendency of the present PIL, elections to the Rajya Sabha were held and Members were elected to the Rajya Sabha. Petitioner at that time also did not press for any interim relief. Hence, we are not inclined to entertain the present application for interim relief as the election process has already been commenced and election is scheduled to take place tomorrow.

7. Application (01/2022) is accordingly, dismissed.

(UMA SHANKER VYAS), (V. J.)

(PANKAJ BHANDARI),J

CHANDAN /2