

ITEM NO.4

COURT NO.3

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No. 820/2020 in
Civil Appeal No. 547/2020

(Arising out of impugned final judgment and order dated 21-01-2020
in C.A. No. 547/2020 passed by the Supreme Court of India)

KEISHAM MEGHACHANDRA SINGH

Appellant(s)

VERSUS

THE HONBLE SPEAKER
MANIPUR LEGISLATIVE ASSEMBLY & ORS.

Respondent(s)

(FOR ADMISSION and IA No.31137/2020-EXTENSION OF TIME)

WITH

MA 822/2020 in C.A. No. 548/2020 (XIV-A)
(FOR ADMISSION and IA No.38986/2020-APPROPRIATE ORDERS/DIRECTIONS)

MA 821/2020 in C.A. No. 547/2020 (XIV-A)
(FOR ADMISSION and IA No.39003/2020-APPROPRIATE ORDERS/DIRECTIONS)

Date : 18-03-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For parties

Mr. Kapil Sibal, Sr. Adv.
Mr. S. G. Hasnain, Sr. Adv.
Mr. Aftab Ali Khan, AOR
Mr. Yasir Rauf, Adv.
Dr. Shailendra Sharma, Adv.
Mr. S. M. Fazal, Adv.
Mr. Ali Safeer Farooqi, Adv.
Mr. Syed Imtiyaz Ali, Adv.
Mr. Tanveer Ahmed Khan, Adv.

Mr. Vijay Kumar, AOR

Mr. Tushar Mehta, SG.
Mr. David A., Adv.
Ms. Rajkumari Banju, AOR

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

We have heard Shri Kapil Sibal, learned senior counsel appearing on behalf of the appellant, and Shri Tushar Mehta, learned Solicitor General appearing on behalf of respondent No. 1.

This matter has had a chequered history. In our judgment dated January 21, 2020, we had set out the facts of this case from paragraphs 3 to 7. What emerges from a reading of these paragraphs is the fact that 13 disqualification petitions which were filed, starting from as early as April, 2017 and had not yet been decided by the Hon'ble Speaker of the Manipur Legislative Assembly. This being so, by our judgment dated January 21, 2020, we had pointed out that despite the fact that in *Rajendra Singh Rana v. Swami Prasad Maurya* (2007) 4 SCC 270, the disqualification petition was decided by this Court itself in the extraordinary circumstances of that case, we went out of our way to give the Hon'ble Speaker a chance to perform his functions under the Tenth Schedule to the Constitution of India by stating that, given the fact that such a long period had already gone by without any decision, one month should suffice for the Hon'ble Speaker to decide the disqualification petitions before him. The judgment had reserved liberty to the appellants to approach this Court,

in case the applications were not decided within one month.

After one month expired, by Miscellaneous Application No. 820 of 2020, the Hon'ble Speaker requested for eight more weeks in order to decide the cases before him. A cross Miscellaneous Application was also filed by the appellants requesting us to take up the cases and decide the cases ourselves.

These miscellaneous applications came up for hearing before this Court on 04th March, 2020, when Ms. Madhavi Diwan, learned Additional Solicitor General appeared on behalf of the learned Speaker, and stated that she was not pressing the Miscellaneous Application No. 820 of 2020, but that a decision would be forthcoming within 10 days from that date, which is how we listed the matter for Wednesday, the 18th March, 2020.

The matter now comes up before us and Shri Tushar Mehta, learned Solicitor General, has appealed to us stating that we should defer the matter till 28th March, 2020, by which time, definitely, there would be a judgment on the aforesaid disqualification applications by the learned Speaker. He also pointed out that, in point of fact, 28th March, 2020, has been notified for pronouncement of judgment by the learned Speaker on the aforesaid date.

Shri Kapil Sibal, learned senior counsel for the appellant, has reiterated his plea that we should have

decided these cases ourselves as the learned Speaker, even after the one month's period given by us, has come out with an application for adjournment by eight weeks, thereafter not pressed it, and then, assured this Court that, at the latest within 10 days from 04th March, 2020, the needful would be done, and which has not been done. He therefore, exhorts us to take up the matter today itself and decide the matter ourselves.

Having heard learned senior counsel for both the parties, given the extraordinary facts in the present case, we are constrained to use our powers under Article 142 of the Constitution of India. Respondent No. 3 is restrained from entering the Legislative Assembly till further orders of this Court. Needless to add, he will cease to be a Minister of the Cabinet immediately.

The matter to come up before this Court on 30th March, 2020.

(NIDHI AHUJA)
AR-cum-PS

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER