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SLP(C)No. 3441 OF 2001

ITEM No.57

Court No. 4

SECTION XIV
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.3441/2001

(From the judgement and order dated 29/11/2000 in WA 484/00
of The HIGH COURT OF GAUHATI)

AMUTOMBI SINGH

Petitioner (s)

VERSUS

THANGMINLIEN KIPGEN & ORS.

Respondent (s)

(With appn.(s) for urging addl. grounds and withdrawal of SLP and
with prayer for interim relief and office report)

Date : 09/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Abhay Praksh Sahay, Adv.
Mr. P.R. Ramasesh, Adv.

For Respondent (s)

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.
The appeal is disposed of in terms of the signed
order.

.SP1 Hemalatha (HK Bhatia)
Court Master

(signed order is placed on file)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4025/2001@@
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(Arising out of SLP(C) No.3441/2001)

AMUTOMBI SINGH

... APPELLANT

vs.

THANGMINLIEN KIPGEN & ORS.

... RESPONDENTS

O R D E R@@
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.SP2

Respondent No.1 who has been disqualified by the Speaker of the Assembly has not registered the appearance inspite of service of notice. In the meanwhile there is a development that petitioner now feels that he should not proceed with this SLP. He seeks permission to withdraw it. We are not inclined to grant the said prayer on account of the order passed by us on 3.4.2001. We extract the said order hereunder :

.....L.....I.....T.....T.....T.....T.....J.....
.SP1

"Issue notice.

The order passed by the Speaker of Manipur Assembly in exercise of power conferred on him by the Tenth Schedule of the Constitution disqualifying a Member of the Legislative Assembly has been stayed by a Single Judge on a writ petition filed by the disqualified MLA. Clause (7) of the Tenth Schedule bars jurisdiction of the court in interfering with the order passed by the Speaker. The only power which the court can exercise against such an order has been indicated by the Constitution Bench of this Court in Kihoto Hollohan Vs. Zachillhu@@
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and others [(1992) Supp. (2) SCC 651].@@
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Prima facie the learned Single Judge has acted without jurisdiction in granting stay of the order passed by the Speaker. As the said order of stay had not been interfered with by the Division Bench of the High Court by the impugned order we suspend the order of the learned Single Judge dated 23.11.2000 as affirmed by the Division Bench of the High Court."

.....L.....I.....T.....T.....T.....T.....J.....
.SP2

However we grant leave in this matter and dispose of the appeal in the following terms:-

The order of stay granted by the High Court as per the impugned order (in respect of the order of the Speaker of the Manipur Assembly) is vacated. There would be no stay of Speaker's order till the disposal of the writ petition pending in the High Court.

.SP1

.....J.
(K.T. Thomas)

New Delhi
July 9, 2001.

.....J.
(R.P. Sethi)

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