

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

RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL) N.72 OF 2006

UNION OF INDIA

Petitioner(s)

VERSUS

CHHATRAPAL SINGH LODHA & ORS.

Respondent(s)

(With appln(s) for ex-parte stay and office report)

Date: 13/02/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Mr. Milon K. Banerjee,AG.

Mr. Gopal Subramaniam,ASG.

Mr. Gaurav Agrawal,Adv.

Mr. R.M. Sharma,Adv.

Mr. Pawan Kumar,Adv.

Mr. S.W.A. Qadri,Adv.

Mr. D.S. Mahra,Adv.

For Respondent(s)

Mr. Vivek K. Tankha,Sr.Adv.

Mr. Vijay K. Shukla,Adv.

Mr. K.K. Mohan,Adv.

Mr. P.N. Lekhi,Sr.Adv.

Mr. Harish Pandey,Adv.

Mr. Rajeev Kumar Tiwari,Adv.

Mr. Samar Bansal,Adv.

Mr. Sanjay K. Pathak,Adv.

Mr. Nawal Kishore Jha,Adv.

Mr. S. Muralidhar,Adv.

UPON hearing counsel the Court made the following

O R D E R

The transfer petition is allowed.

No costs.

[ T.I. Rajput ]

A.R.-cum-P.S.

[ V.P. Tyagi ]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.72 OF 2006

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Chhatrapal Singh Lodha & Ors.

...Respondent(s)

O R D E R

Having heard the learned counsel for the parties, we are of the view that this transfer petition filed under Article 139A of the Constitution of India read with Order XXXVIA of the Supreme Court Rules, 1966, deserves to be allowed. In fact, the writ petitioners before the High Court, through their learned counsel, have submitted their no objection to the writ petitions being transferred to this Court to be heard along with Writ Petition (C) No.1 of 2006. The learned counsel have, however, pointed out that, in the High Court, applications for grant of interim relief have been filed and, thus, this Court may consider today their prayer for grant of interim relief, particularly in regard to the elections that may be held as a result of the impugned cessation of membership and as regards the residential accommodation of the

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members of the House. Their cessation was with effect from 23rd December, 2005. According to the Election Commission of India, the seats vacated as a result of the cessation in question are required to be filled within six months, which would expire in June, 2006. There is still considerable time for issue of notification assuming the elections are to be held in June, 2006. Therefore, the prayer for interim relief can be considered after the

record is received from the High Court, on transfer.

Under the circumstances above-noted, the transfer petition is allowed and Writ Petition (C) No.182 of 2006 [Dr. Chhatrapal Singh Lodha vs. Rajya Sabha & Anr.], Writ Petition (C) No.183 of 2006 [Shri Suresh Chandel vs. Lok Sabha & Anr.], Writ Petition (C) No.184 of 2006 [Shri Pradeep Gandhi vs. Lok Sabha & Anr.], Writ Petition (C) No.185 of 2006 [Shri Yashwant Giridhar Mahajan vs. Lok Sabha & Anr.], Writ Petition (C) No.186 of 2006 [Shri Anna Saheb M.K. Patil vs. Lok Sabha & Anr.], Writ Petition (C) No.187 of 2006 [Shri Chandra Pratap Singh vs. Lok Sabha & Anr.], Writ Petition (C) Nos.188-189 of 2006 [Shri Manoj Kumar and Narendra Kumar Kushwah vs. Union of India & Ors.], Writ Petition (C) No.190 of 2006 [Shri Ram Sewak Singh vs. Lok Sabha & Anr.], and Writ Petition (C) No.465 of 2006 [Shri Lal Chandra Kol vs. Union of India & Ors.] are transferred from the Delhi High Court to this Court to be heard along with Writ Petition (C) No.1 of 2006.

Having regard to the nature of controversy, we reduce the period stipulated by Order XXXVIA of the Supreme Court Rules,

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requisite copies of the entire record of all the petitions within a period of ten days.

List the matter for consideration for grant of interim relief sought for by the writ petitioners in the week commencing 27th February, 2006.

No costs.

.....CJI.

[Y.K. SABHARWAL]

.....J.

[C.K. THAKKER]

.....J.

[R.V. RAVEENDRAN]

New Delhi,

February 13, 2006.