

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

WRIT PETITION (CIVIL) NO(s). 90 OF 2006

HARRY RAM PRADHA & ORS. Petitioner(s)

VERSUS

STATE OF SIKKIM & ORS. Respondent(s)

(With application for interim Relief and office report)

Date: 11/01/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Sourabh Mishra, Adv.
Mr. Abhinav Mukerji, Adv.
Mr. Gaurav Sharma, Adv.

For Respondent(s)
For Delimitation
Commission Ms. Meenakshi Arora, Adv.

For Union of India Mr. P.P. Malhotra, ASG.
Mr. K. Radhakrishnan, Sr. Adv.
Ms. Rashmi Malhotra, Adv.
Mr. D.S. Mahra, Adv.
Mr. B. Krishna Prasad, Adv

For State of Sikkim Mr. A. Mariarputham, Adv. Genl.
Mr. Yusuf Khan, Adv.
Ms. Aruna Mathur, Adv.
For M/S Arputham, Aruna & Co., Advs.

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

We have heard learned counsel for the parties.

The relief claimed in this Writ Petition is for a direction to respondent Nos. 2 and 3 to make reservation of seats in favours of Scheduled Tribes Limboo and Tamang in the Legislative Assembly of the State of Sikkim.

It has been brought to our notice that in the Second Schedule to the Representation of People Act, 1950 against Serial Nos. 23 which relates to the State of Sikkim no such seats have been reserved in respect of the aforesaid two Scheduled Tribes and hence the Second Schedule will have to be amended.

Learned counsel appearing for the Union of India, however, submitted that this amendment of the Second Schedule of the Representation of People Act, 1950 can only be made after the Delimitation Commission distributes the seats in the Legislative Assembly of the State of Sikkim in accordance with the Section 9 of the Delimitation Act, 2002.

We are told that the Delimitation Commission has been arrayed as respondent No. 4 in this Writ Petition. The counsel for respondent No. 4 will indicate her response to the aforesaid submission made on behalf of the Union of India on the next date of hearing.

List the matter in the last week of February, 2013.

| [KALYANI GUPTA]

| | [SHARDA KAPOOR]

| COURT MASTER

| | COURT MASTER

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