

ITEM NO.50

COURT NO.3

SECTION XI

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(s).4664/2006

(From the judgement and order dated 28/02/2006 in WP No. 5085/2003 of The
HIGH COURT OF JUDICATURE OF ALLAHABAD AT LUCKNOW)

SRI RAJENDRA SINGH RANA & ORS.

Petitioner(s)

VERSUS

SWAMI PRASAD MAURYA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief and office report
)

WITH SLP(C) NO. 4669 of 2006

(With appln(s) for exemption from filing C/C of the impugned judgment and
exemption from filing

O.T. and with prayer for interim relief and office report)

SLP(C) NO. 4671 of 2006

(With appln(s) for exemption from filing C/C of the impugned judgment and exemption from filin
g O.T.

and with prayer for interim relief and office report)

SLP(C) NO. 4677 of 2006

(With appln(s) for exemption from filing C/C of the impugned judgment and exemption from filin
g O.T.

and permission and with prayer for interim relief and office report)

Date: 24/03/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Mr.Rakesh Dwivedi, Sr.Adv.

Mr. Vishwajit Singh,Adv.

Mrs. Bharati Tyagi, Adv.

Mr. Gaurav Bhatia, Adv.

In SLP(C)4677

Mr.Soli J.Sorabjee, Sr.Adv.

Mr.K.K.Lahiri, Adv.

Mr. Ejaz Maqbool, Adv.

Mr.Vikash Singh, Adv.

Mr.Gourav Kejriwal, Adv.

Mr.Keshav Mohan, Adv.

Ms.Taruna Singh, Adv.

Mr.Abhijit Sinha, Adv.

IN SLP(C)4669&4771

Mr.Harish N.Salve, Sr.Adv.

Mr.Mukul Rohatgi, Sr.Adv.

Mr.P.H.Parekh, Adv.

Mr.E.R.Kumar, Adv., Mr. Ankur Chawla, Adv.

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Mr.Pradeep K.Rai, Adv., Mr. Ashish Jha, Adv.,

Mr.Rohit M.Alex, Adv.

Mr.D.P.Mohanty, Adv., Ms.Meekshi G., Adv.

For M/S P.H. Parekh & Co., Adv.

For Respondent(s)

Mr.K.K.Venugopal, Sr.Adv.

Mr.Satish Chandra Mishra, Sr.Adv.

Mr.Nakul Dubey, Adv.

Mr.G.V.Rao, Adv.

Mr.P.N.Gupta, Adv.

Mr.S.K.Chaudhary, Adv.

Mr. Shail Kumar Dwivedi, Adv.

Nos.7,8,29 & 30

Mr.Rakesh K.Khanna, Adv.

Dr.Rashmi Khanna, Adv.

For Mr.Surya Kant, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Counsel for the petitioner seeks stay of the operation of the judgment

passed by the High Court of Allahabad. By the decision of the High Court, four orders

which were passed by the Speaker of U.P. State Legislative, were set aside. The matters

relates to defection of some of the MLAs from one political party to other. The Speaker of

the U.P. Legislative Assembly, by a separate order held that the defected 37 MLAs formed

themselves into a party by name 'Loktantrik Bahujan Dal' and recognised that party by

the same order. The Speaker passed a separate order and held that there was merger of

the 34 MLAs forming into 'Loktantrik Bahujan Dal' with Samajwadi party. By a separate

order passed on the same day the Speaker held that 4 more MLAs are parted to

"Loktantrik Bahujan Dal" and they too merged with the Samajwadi party. By another

order dated 7-9-2003 the Speaker also held that 13 MLAs who were allegedly defected

were not liable to be disqualified. The orders passed by the Speaker, were set aside by the

majority decision of the High Court. The High Court's decision is under serious

challenge.

In our opinion, the petition raises important questions of law and we are of

the view that these questions be considered by a larger Bench. The Re

gistrar will take

orders from Hon'ble the Chief Justice of India for placing matter before a large Bench

urgently.

Till the matter is heard by the Bench, the order passed by the Speaker

dated 6.9.2003 approving the defected MLAs as a separate party 'Loktantrik Bahujan

Dal' will continue in operation for the purpose of giving these MLAs further status as

Members of the Legislative Assembly in the State of U.P.

We find no reason to stay the operation of the judgment passed by the High Court as regards other orders. As all the orders of the Speaker are set aside, there is

further a direction that the Speaker shall take the fresh decision in these matters in the

light of the observation made in the judgments. This part of the order shall stand stayed.

This interim order is passed without prejudice to the contentions raised by either party.

It is submitted by the counsel appearing for 5 MLAs who have stated that they have returned to the Bahujan Samaj Party in view of the fact that order passed by the Speaker of the Legislature have been set aside by the High Court. This statement is

recorded.

(R.K. Dhawan)
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Court Master

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Court Master