

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

WRIT PETITION (CIVIL) NO(s). 166 OF 2007

DHALSINGH BISEN

Petitioner(s)

VERSUS

DELIMITATION COMMISSION & ORS.

Respondent(s)

(With appln(s) for stay and with office report)

WITH

W.P(C) NO. 114 of 2008

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

W.P(C) NO. 194 of 2008

(With appln(s) for stay and with office report)

W.P(C) NO. 240 of 2007

(With appln(s) for stay)

W.P(C) NO. 279 of 2007

(With appln(s) for stay and with office report)

W.P(C) NO. 329 of 2007

(With appln.(s) for directions)

W.P(C) NO. 352 of 2011

(With appln(s) for stay and with office report)

W.P(C) NO. 435 of 2007

W.P(C) NO. 511 of 2007

(With appln(s) for stay and with office report)

W.P(C) NO. 517 of 2007

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

W.P(C) NO. 520 of 2007

(With appln(s) for stay and with office report)

W.P(C) NO. 533 of 2008

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

W.P(C) NO. 585 of 2007

(With appln(s) for stay and with office report)

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W.P(C) NO. 590 of 2008

W.P(C) NO. 686 of 2007

(With appln(s) for stay and with office report)

W.P(C) NO. 691 of 2007

(With appln(s) for stay and with office report)

W.P(C) NO. 72 of 2009

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

Civil Appeal NO. 9689 of 2010

(With office report)

Civil Appeal NO. 9712 of 2010

(With office report)

Date: 20/10/2011 These Writ Petitions and Civil Appeals
were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s)

Mr. Ravinder Srivastava, Sr. Adv.
Ms. Vibha Datta Makhija, Adv.

Mr. Dinesh Kumar Garg, Adv.

Ms. Kiran Suri, Adv.
Mr. S.J. Amith, Adv.

M/S Mitter & Mitter Co.

Mr. S.P. Laler, Adv.
Mr. Rahul Sejwal, Adv.
Mr. Keshav Rai, Adv.
Mr. R.C. Kaushik, Adv.

Mr. S.K. Verma, Adv.

Mr. T.V. Ratnam, Adv.

Mrs. Kirti Renu Mishra, Adv.

Mr. Irshad Ahmad, Adv.

:2:

Mr. S. Sadadiva Reddy, Adv.
Mrs. S. Usha Reddy, Adv.

Mr. Y. Raja Gopala Rao, Adv.

Mr. Rajesh Mahale, Adv.

Mr. Venkateswara Rao Anumolu, Adv.

Mr. Tariq Adeeb, Adv.
Ms. Puja Sharma, Adv.
Ms. Jyoti Mendiratta, Adv.

Ms. Pragati Neekhara, Adv.
Mr. Suryanarayana Singh, Adv.

Mrs. Kamaldeep Gulati, Adv.

Mr. Nikhil Jain, Adv.

For Respondent(s)

Ms. Meenakshi Arora, Adv.
Ms. Vaishnavi Krishnamani, Adv.
Mr. Mohit D. Ram, Adv.

Mr. P. Parmeswaran, Adv

Mr. Ajay Pal, Adv

Ms. Anil Katiyar, Adv.
Mr. B. Krishna Prasad, Adv.

Ms. Lalita Kaushik, Adv.

Mr. R.N. Keshwani, Adv.
Mr. Ram Lal Roy, Adv.

Mr. Shreekant N. Terdal, Adv.

Ms. Rachana Srivastava, Adv.

Ms. Ranchi Daga, Adv.

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

WRIT PETITION (CIVIL) NO. 166 OF 2007 and WRIT PETITION
(CIVIL) NO. 520 OF 2007 : Writ Petitions are dismissed in
terms of the signed order.

:3:

W.P(C) NO. 114 of 2008; W.P(C) NO. 194 of 2008; W.P(C) NO.
240 of 2007; W.P(C) NO. 279 of 2007; W.P(C) NO. 329 of 2007;
W.P(C) NO. 352 of 2011; W.P(C) NO. 435 of 2007; W.P(C) NO.
511 of 2007; W.P(C) NO. 517 of 2007; W.P(C) NO. 533 of 2008;
W.P(C) NO. 585 of 2007; W.P(C) NO. 590 of 2008; W.P(C) NO.
686 of 2007; W.P(C) NO. 691 of 2007; W.P(C) NO. 72 of 2009;
Civil Appeal NO. 9689 of 2010 and Civil Appeal NO. 9712 of
2010

Inter alia, it has been prayed in Writ Petition (Civil)
No. 240 of 2007 that Article 329(a) of the Constitution of
India be declared unconstitutional as it is contrary to the
basic features of the Constitution and it bars judicial
review in respect of the matters pertaining to delimitation.

Ms. Kiran Suri, learned counsel for the petitioner in
Writ Petition (Civil) No. 240 of 2007, informs us that some
of the aspects raised in this Writ Petition have also been
raised in Writ Petition (Civil) No. 546 of 2000 titled Mirza
Rafiullah Baig and Ors. Vs. Union of India & Anr. where
the validity of the Constitution (79th Amendment) Act, 1999
has been challenged.

The learned counsel for the parties in this group of
matters are ad idem that it would be in the fitness of
things if these matters wherein validity of Article 329(a)
of the Constitution of India and the Delimitation Act, 2002
(Act 33 of 2002) have been raised are taken up for hearing
after the decision in Writ Petition (Civil) No. 546 of 2000
by the Constitution Bench.

:4:

Let this group of matters be posted for hearing after
the decision of the Constitution Bench in Writ Petition
(Civil) No. 546 of 2000 and other connected writ petitions.

(Rajesh Dham)
Court Master

(Renu Diwan)
Court Master

(signed order in WRIT PETITION (CIVIL) NO. 166 OF
2007 and WRIT PETITION (Civil) No. 520 OF 2007
is placed on the file)

:5:
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO(s). 166 OF 2007

DHALSINGH BISEN

Petitioner(s)

VERSUS

DELIMITATION COMMISSION & ORS.

Respondent(s)

AND

WRIT PETITION (C.) NO. 520 OF 2007

O R D E R

Mr. Ravinder Srivastava, learned senior counsel for
the petitioner in Writ Petition (C) No. 166 of 2007, and
Mr. Suryanarayana Singh, learned counsel for the
petitioners in Writ Petition (C) No. 520 of 2007, submit
that no instructions have been received from the
petitioners in these cases.

2. In view thereof, Writ Petitions are dismissed for want
of instructions.

.....J.
(R.M. LODHA)

NEW DELHI;
OCTOBER 20, 2011

.....J.
(JAGDISH SINGH KHEHAR)