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ITEM NO.12

COURT NO.16

SECTION X

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.470/2022

SUNIL PRABHU

Petitioner(s)

VERSUS

PRINCIPAL SECRETARY, GOVERNOR OF MAHARASHTRA & ORS.Respondent(s)

(FOR ADMISSION and IA No.88697/2022-EX-PARTE STAY)

Date : 29-06-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE J.B. PARDIWALA
(VACATION BENCH)

For Petitioner(s)

Dr. Abhishek Manu Singhvi, Sr.Adv.
Mr. Devadatt Kamat, Sr. Adv.
Mr. Javedur Rahman, AOR
Mr. Rajesh Inamdar, Adv.
Mr. Shivendra Singh, Adv.
Mr. Hemant Shah, Adv.
Mr. Amit Bhandari, Adv.
Mr. Sunny Jain, Adv.
Mr. Nidhiram, Adv.
Mr. Harsh Pandey, Adv.
Mr. Revanta Solanki, Adv.

For Respondent(s)

Mr. Tushar Mehta, SG
Mr. Satyapal Jain, ASG
Mr. Rajat Nair, Adv.
Mr. Kanu Agarwal, Adv.
Mr. A.K. Sharma, AOR

Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Siddharth Bhatnagar, Sr. Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Abhikalp Pratap Singh, AOR
Ms. Gunjan Mangla, Adv.
Ms. Aagam Kaur, Adv.
Mr. Abhay Anturkar, Adv.
Ms. Aarzo Aneja, Adv.
Mr. Dhruv Sharma, Adv.

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Ms. Ira Mahajan, Adv.
Ms. Pracheta Kar, Adv.
Ms. Aadya Yadav, Adv.
Mr. Toshiv Goyal, Adv.
Mr. Raghav Agrawal, Adv.
Mr. Ramchandra Madan, Adv.
Mr. Deepak Joshi, Adv.

Mr. Maninder Singh, Sr. Adv.
Mr. Mahesh Jethmalani, Sr. Adv.
Mr. Chirag Shah, Adv.
Mr. Utsav Trivedi, Adv.
Mr. Abhinay, AOR
Mr. Himanshu Sacheva, Adv.
Ms. Manini Roy, Adv.
Mr. Pooran Chand Roy, Adv.
Ms. Shivani Bhushan, Adv.
Mr. Rahul Garg, Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Pranav Saigal, Adv.

Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Geo Joseph, Adv.
Ms. Shewtal Shepal, Adv.

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

1. The instant Writ Petition has been filed under Article 32 of the Constitution of India for setting aside the communication/directions dated 28-6-2022 sent by the Governor of Maharashtra to the Chief Minister of Maharashtra as also the Secretary, Maharashtra Legislative Assembly which reads as follows:-

- (i) A Special Session of the Maharashtra Vidhan Sabha be summoned on 30.6.2022 at 11:00 AM with the only agenda of a trust vote against the Government;
- (ii) The business of the house shall be conducted in such a way that the speeches, if any, are concluded in a short period of time and the trust vote is concluded on 30.06.2022 by 5:00 PM;

- (iii) The voting will be conducted by asking Members to rise in their seats for the purpose of counting votes as contemplated under the Maharashtra Legislative Assembly Rules;
- (iv) The Proceedings have to be live telecast, and appropriate arrangements are to be made to ensure the same;
- (v) The entire proceedings of the trust vote shall be videographed by the Vidha Sabha Secretariat through an independent agency and shall be submitted to me;
- (vi) The aforesaid proceedings shall be started on 30.06.2022 at 11:00 AM and no case shall be same be adjourned, delayed or suspended;
- (vii) Adequate arrangements shall be made for the security of the Members both outside and inside the Vidhan Bhavan to ensure smooth conducting of the floor test.

2. The Writ Petition was ordered to be listed today at 5:00 PM on a mentioning made in the morning today by Dr. A.M. Shinghvi, the learned Senior counsel appearing on behalf of the petitioner, subject to his furnishing advance copies of the Writ Petition to the learned counsel representing the respective respondents.

3. Pursuant thereto, we have heard Dr. Abhishek Manu Singhvi, learned Senior counsel appearing on behalf of the petitioner and S/Shri Tushar Mehta, learned Solicitor General appearing on behalf of Respondent No.1, Mr. Neeraj Kishan Kaul, learned Senior counsel and Mr. Maninder Singh, learned Senior counsel appearing on behalf of a group of MLAs who are not party to these proceedings.

4. Issue notice.

5. Since the respondents have already put in appearance, the service is waived of.

6. Counter affidavits be filed within a period of 5 days from today and rejoinder affidavit, if any, be filed within a period of 2 days thereafter.

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7. The Writ Petition is ordered to be listed for hearing on 11-7-2022 and to be heard along with the Writ Petition (Civil) Diary No.19161 of 2022 and Writ Petition (Civil) Diary No.19162 of 2022.

8. Having given our thoughtful consideration to the rival submissions:

- (i) We do not find any ground to stay convening of the Special Session of the Maharashtra Vidhan Sabha on 30-6-2022, i.e, tomorrow at 11.00 a.m. with the only agenda of a trust vote;
- (ii) The proceedings of the trust vote to be convened on 30-6-2022 shall be subject to the final outcome of the instant Writ Petition as well the Writ Petitions referred to above;
- (iii) the Special Session of the Maharashtra Vidha Sabha shall be conducted in accordance with the directions as contained in the communication dated 28-6-2022 of the Governor of Maharashtra.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)
COURT MASTER (NSH)