

ITEM NO.20

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 1096/2020

LOK PRAHARI THROUGH ITS GENERAL SECRETARY
S.N.SHUKLA, I.A.S.(RETD.)

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.96114/2020-PERMISSION TO APPEAR AND ARGUE
IN PERSON
[INTERACTION EXEMPTED])

Date : 22-09-2023 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Petitioner-in-person

For Respondent(s) Mr. Tushar Mehta, Solicitor General
Mr. K M Nataraj, A.S.G.
Ms. Deepabali Dutta, Adv.
Mr. Shailesh Madiyal, Adv.
Mr. Mayank Pandey, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Devashish Bharuka, AOR
Ms. Sarvshree, Adv.

Mr. Sidhant Kumar, Adv.
Mr. Sahil Tagotra, AOR
Ms. Vidhi Udayshankar, Adv.
Ms. Abhivyakti Banerjee, Adv.

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

1 We are not inclined to entertain a Public Interest Litigation under Article 32 of

the Constitution of India seeking to question the constitutional validity of Paragraphs 4 and 6 of the Tenth Schedule to the Constitution having due regard to the fact that the challenge has been repelled in the judgment of a Constitution Bench of this Court in ***Kihoto Hollohan Vs Zachillhu & Ors***¹.

- 2 The submission which has been urged on behalf of the petitioner, Mr S N Shukla, who appears in person is that the judgment in ***Kihoto Hollohan*** has not dealt with the issues which are raised by him.
- 3 Once the constitutional validity of the same provision which is impugned in the present case has been upheld, a petition under Article 32 of the Constitution cannot be entertained. Sitting in a Bench of three Judges, this Court is bound by the law which has been laid down by the Constitution Bench.
- 4 The Writ Petition is accordingly dismissed.
- 5 Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

1 1992 Supp (2) SCC 651