

State of Karnataka and Others	Respondent(s)
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Arguments have been advanced by the learned counsels for the parties on the touchstone of Articles 164, 190, 191,

212 and 361B and the Tenth Schedule of the Constitution. We have considered the same. Constitutional principles should not receive an exhaustive enumeration by the Court unless such an exercise is inevitable and unavoidable to resolve the issues that may have arisen in any judicial proceeding.

In the present case, having regard to the stage at which the above issues are poised in the light of the facts and circumstances surrounding the same, we are of the view that the aforesaid questions should receive an answer only at a later stage of the proceedings. The imperative necessity, at this stage, is to maintain the constitutional balance and the conflicting and competing rights that have been canvassed before us. Such an interim exercise has become prudent in view of certain time frame exercise(s) that is in the offing in the Karnataka Legislative Assembly, particularly, the no-trust motion against the present Government, which we are told is due for being taken up on 18th July, 2019. In these circumstances, the competing claims have to be balanced by an appropriate interim order, which according to us, should be to permit the Hon'ble Speaker of the House to decide on the request for resignations by the 15 Members of the House within such time frame as the Hon'ble Speaker may consider appropriate. We also take the view that in the present case the discretion of the Hon'ble Speaker while deciding the above issue should not be fettered by any direction or observation of this Court and the Hon'ble Speaker should be left free to decide the issue in accordance with Article 190

read with Rule 202 of the Rules of Procedure and Conduct of Business in Karnataka Legislative Assembly framed in exercise of the powers under Article 208 of the Constitution.

The order of the Hon'ble Speaker on the resignation issue, as and when passed, be placed before the Court.

We also make it clear that until further orders the 15 Members of the Assembly, ought not to be compelled to participate in the proceedings of the ongoing session of the House and an option should be given to them that they can take part in the said proceedings or to opt to remain out of the same. We order accordingly.

.....CJI.
[Ranjan Gogoi]

.....J.
[Deepak Gupta]

.....J.
[Aniruddha Bose]

New Delhi
July 17, 2019.

ITEM NO.2

COURT NO.1

SECTION X

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.872/2019

PRATAP GOUDA PATIL & ORS.

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA & ORS.

Respondent(s)

(With appln.(s) for stay and exemption from filing O.T.]

Date : 17-07-2019 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
 Mr. Shubhranshu Padhi, AOR
 Mr. Kush Chaturvedi, Adv.
 Mr. Sandeep Patil, Adv.
 Ms. Misha Rohatgi, Adv.
 Ms. Devanshi Singh, Adv.
 Ms. Priyashree Sharma, Adv.
 Mr. Somay Kapoor, Adv.
 Mr. Ashish Yadav, Adv.

For Respondent(s) Mr. Devadatt Kamat, Sr. Adv.
 Mr. Amit Bhandari, Adv.
 Mr. Rajesh Inamdar, Adv.
 Mr. Javedur Rehman, Adv.
 Mr. Aditya Bhat, Adv.
 Mr. Ashwin G. Rai, Adv.
 Mr. Chandy Oomen, Adv.
 Mr. Chirag Jain, Adv.
 Ms. Sneha Ravi Iyer , AOR

Mr. Sunil Fernandes, AOR
Nupur Kumar, Adv.
Mr. Varun Chopra, Adv.
Ms. Priyanasha Indra Sharma, Adv.
Ms. Siddhi Padia, Adv.

Mr. Mohammed Sadique T.A., AOR

Mr. Rajat Nair, Adv.
Ms. Shraddha Deshmukh, Adv.

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

Prayer of the petitioners to amend the writ petition
is allowed.

Application for intervention filed on behalf of Anil
Chacko Joseph stands allowed.

Application for impleadment filed on behalf of
S/Shri Anand Singh, Dr. K. Sudhakar, N.Nagaraju (MTB),
Munirathna and Roshan Baig is allowed.

In terms of the signed order, the following order is
passed:-

"The order of the Hon'ble Speaker on the resignation
issue, as and when passed, be placed before the
Court.

We also make it clear that until further orders
the 15 Members of the Assembly, ought not to be
compelled to participate in the proceedings of the
ongoing session of the House and an option should be
given to them that they can take part in the said
proceedings or to opt to remain out of the same. We
order accordingly."

(Chetan Kumar)
A.R.-cum-P.S.

(Signed order is placed on the file)

(Anand Prakash)
Court Master