

ITEM NO.18

COURT NO.1

SECTION XVI -A

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

Transfer Petition (Civil) No. 2063/2017

THIRU. SEMMALAI & ANR.

Petitioners

VERSUS

R. SAKKRAPANI & ORS.

Respondents

WITH

T.P.(C) No. 2146-2149/2017 (XVI -A)
(FOR ADMISSION and IA No.120717/2017-EX-PARTE STAY)

Date : 01-12-2017 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioners

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Gautam Kumar, Adv.
Ms. Diksha Rai, AOR
Ms. Kanika Saran, Adv.
Ms. Shivangi Saran Singh, Adv.

For Respondents

Mr. Kapil Sibal, Sr. Adv.
Mr. A. Sharan, Sr. Adv.
Mr. Amit Anand Tiwari, Adv.
Ms. Anusha Nagraj, Adv.
Ms. Vishakha, Adv.

Dr. Abhishek Manu Singhvi, Sr. Adv
Mr. Amit Sibal, Sr. Adv.
Mr. Vivek Singh, AOR
Mr. N. Raja Senthoo Pandian, Adv.
Mr. Mohit Paul, Adv.
Mr. Swastik Dalai, Adv.
Mr. K.K. Singh, Adv.
Mr. Amit Bhandari, Adv.

UPON hearing the counsel the Court made the following

O R D E R

In these two transfer petitions preferred under
Article 139A(1) of the Constitution of India, the

petitioners have prayed for transfer of WP No. 26017/2017 titled as "R. Sakrapani vs. the Secretary, Assembly Secretariat & Ors.", WP No. 27853/2017 titled as "P. Vetriivel vs. Mr. P. Dhanabal & Ors.", WP No. 27854/2017 titled as "Thanga Tamizh Selvan vs. Mr. P. Dhanabal & Anr.", WP No. 27855/2017 titled as "N.G. Parthiban vs. Mr. P. Dhanabal & Ors.", WP No. 27856/2017 titled as "M. Rengasamy vs. Mr. P. Dhanabal & Ors.", all pending before the High Court of Judicature at Madras, to this Court.

It is submitted by Mr. Mukul Rohatgi, learned senior counsel for the petitioners that a similar controversy travelled to this Court in SLP (C) No. 33677/2015, wherein a two-Judge Bench thought it appropriate to refer the matter to a larger Bench, regard being had to the nature of question involved. Be it stated, the issue that was raised in the earlier case before this Court was whether this Court can issue a mandamus to the Speaker of the Legislative Assembly for compliance of the Tenth Schedule of the Constitution of India, by fixing a time limit for passing an order for taking any action.

When the matter was called today, Dr. Abhishek Manu Singhvi, Mr. Amrendra Sharan and Mr. Kapil Sibal, learned senior counsel appearing for the respondents, submitted that in the writ petitions, which find mention hereinabove, they will not press the prayer for seeking a mandamus to the Speaker to take a decision. They also apprise this Court that they have already filed an amendment in the said prayer. If in any writ petition, no amendment application has been filed, the same shall be filed, and the High Court shall not take up the prayer with regard to the issue of a mandamus to the Speaker to take appropriate action under the Tenth

Schedule of the Constitution of India. If the amendment application contains other prayers, needless to say, the High Court shall consider the application for amendment and allow the same to the extent as permissible in law.

The transfer petitions are accordingly disposed of. There shall be no order as to costs.

(Deepak Guglani)
Court Master

(H.S. Parasher)
Assistant Registrar