

IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION

CONTEMPT PETITION (C) NO. 366 OF 2020

IN

SPECIAL LEAVE PETITION (C) NO. 454 OF 2020

STEVIE M. MARAK & ANR. .. PETITIONER(S)

VERSUS

DENANG T SANGMA .. RESPONDENT(S)

O R D E R

1. In this matter, which questioned the validity of No-Confidence Motion, this Court granted stay on the No-Confidence Motion on 08.01.2020. This Court vacated the stay on 17.01.2020. After hearing both the parties, this Court was of the view that the No-Confidence Motion should be proceeded with subject to the final outcome of the special leave petition. We expected that if the stay was vacated, the Chairman would hold the meeting for discussing and voting on No-Confidence motion, dated 25.11.2019. In the contempt petition, the present petitioners have moved this contempt petition for ensuing that a meeting for discussing and voting on No-Confidence

Motion is held. The respondent to this petition has made an application for direction viz., I.A. No. 18422/2020 in the pending special leave petition. Hence, we have heard the respondent on the said application as well.

2. It is contended on behalf of the respondent that the Notice of Motion under Rule 71 of the Assam and Meghalaya Autonomous District (Constitution of District Councils) Rules, 1951 (Garo Hills Autonomous District Council, Tura) (for short, "the Rules") has been withdrawn by one member Shri Boston Marak (respondent No. 2) in the special leave petition. According to the respondent, Shri Boston Marak withdrew it in the presence of all the other signatories to the No-Confidence Motion. We do not find any substance in this argument. The Notice of Motion dated 25.11.2019 clearly states that the motion is being brought by 10 members. The opening words of the notice are "We are bringing motion of No Confidence...." The motion is signed by 10 members. We do not see how the alleged withdrawal by one member can result in a withdrawal of the entire motion, particularly, when Rule 68.1, which reads as follows :

"68(1)- A member who has moved an original motion or an amendment may withdraw the same and thereafter there shall be no further discussion on it."

3. The record which shows that the other signatories did not object when Mr. Boston Marak announced that he is withdrawing the No Confidence Motion cannot be conclusive of the withdrawal of the motion by all the members. It is necessary under the Rules that the members should sign the letter withdrawing the motion. It is possible that in spite of signing the withdrawal, the members who have given the motion appeared at the meeting and stated before the Chairman that they have not presented it and the Chairman in that case would be entitled to record the withdrawal. But in the present case, there is neither any letter withdrawing the No Confidence Motion by all the signatories nor has the Chairman recorded that they stated in the House that they do not wish to pursue the motion and wish to withdraw it.

4. In these circumstances, we direct that the Chairman shall proceed to hold a meeting for discussing and voting on the No-Confidence Motion;

keep a faithful record and ensure that the faithful record of such a meeting is kept. The meeting shall be held not later than one week from today.

5. The contempt petition as well as I.A. No. 18422 of 2020 filed in the special leave petition are disposed of.

.....CJI.  
[ S.A. BOBDE ]

.....J.  
[ B.R. GAVAI ]

.....J.  
[ SURYA KANT ]

NEW DELHI,  
MARCH 05, 2020.

ITEM NO.7

COURT NO.1

SECTION XIV

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

CONMT.PET.(C) No. 366/2020 in SLP(C) No. 454/2020

STEVIE M. MARAK &amp; ANR.

Petitioner(s)

VERSUS

DENANG T. SANGMA

Respondent(s)

(FOR ADMISSION (I.A. No. 18422/2020 in SLP© No. 454/2020)

Date :05-03-2020 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. Anupam Lal Das, Sr. Adv.  
Mr. Ahanthem Henry, Adv.  
Mr. A. Rohen Singh, Adv.  
Mr. Vivek Kumar, Adv.  
Mr. Dhileman Nongiri, Adv.  
Mr. Kumar Mihir, AOR

For Respondent(s)

Ms. Shahrukh Alam, Adv.  
Ms. Liz Mathew, AOR  
Mr. Navneet R., Adv.

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

The contempt petition as well as I.A. No. 18422/2020  
filed in the special leave petition are disposed of.

[ CHARANJEET KAUR ]  
ASSTT.REGISTRAR-CUM-PS

[ INDU KUMARI POKHRIYAL ]  
ASSTT. REGISTRAR

[ Signed order is placed on the file ]