

ITEM NO.301

COURT NO.6

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) Diary No.19482/2018

DR. G. PARMESHWARA & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA MINISTRY OF HOME AFFAIRS

Respondent(s)

Date : 17-05-2018 This petition was called on for hearing today
at 2.00 A.M.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. A.G. Chaudhari, Sr. Adv.
Mr. Prashant Kumar, Adv.
Mr. Devadatt Kamat, Adv.
Dr. Saif Mehmood, Adv.
Mr. Amit Bhandari, Adv.
Mr. L. Nidhiram S., Adv.
Mr. Javedur Rahman, Adv.
Mr. Rajesh Inamdar, Adv.
Mr. Aditya Bhat, Adv.
Mr. Gautam Talukdar, AOR
Mr. Harendar Neel, Adv.
Mr. Varun K. Chopra, Adv.
Ms. Sumeeta Choudhari, Adv.
Mr. R.H.A. Sikander, Adv.

For Respondent(s) Mr. K.K. Venugopal, AG
Mr. Maninder Singh, ASG
Mr. Tushar Mehta, ASG
Mr. Rajat Nair, Adv.
Mr. Prabhas Bajaj, Adv.
Kanu Agrawal, Adv.
Mr. Manan Popli, Adv.
Mr. Mohit Jhamb, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Ms. Devanshi Singh, Adv.
Mr. Nikhil Rohatgi, Adv.

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

The petitioners have filed this petition challenging the validity of Communication No.GS 41 GOB 2018 dated 16th May, 2018, addressed by the Governor of Karnataka to Shri B.S. Yeddyurappa (respondent No.3 herein) inviting him to form the government and be sworn in as the Chief Minister of the State of Karnataka. This Bench was specially convened at odd hours to hear the matter as, on the basis of the said letter, respondent No.3 has decided to take oath at 9.30 a.m. on 17th May, 2018.

We have heard Dr. Abhishek Manu Singhvi, learned senior counsel appearing for the petitioners. On behalf of the Union of India, Mr. K.K. Venugopal, learned Attorney General has appeared, Mr. Mukul Rohatgi, learned senior counsel, has also made submissions, though he has stated that he has instructions from three M.L.As, viz. Mr. Govind M. Karjol, C.M. Udasi and Mr. Basavaraj Bommai, of the B.J.P. party to represent.

The petitioners have impleaded three respondents. Respondent No.1 is the Union of India, and as mentioned above learned Attorney General has appeared on its behalf. Since respondent Nos.2 and 3 are not represented, we issue formal notice to them. In addition, respondent No.2 shall be served through the Standing Counsel for the State.

After hearing the parties, we are of the opinion that it is necessary to peruse the letters dated 15th May, 2018 and 16th May, 2018 submitted by the respondent No.3 to the Governor which find a mention in the communication dated 16th May, 2018 of the Hon'ble Governor. We request the learned Attorney General and/or respondent No.3 to produce these letters on the next date of hearing.

This Court is not passing any order staying the oath taking ceremony of respondent No.3. In case, he is given oath in the meantime, that shall be subject to further orders of this Court and final outcome of the writ petition.

List the matter for further hearing at 10.30 a.m. on 18th May, 2018. The respondents may file their response in the meantime.

(Chetan Kumar)
Court Master

(Sanjay Kumar - II)
Court Master