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W.P(Crl.)No. 206-210 OF 2003

ITEM No.102 Court No. 1 SECTION X/IX

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

Writ Petition (Crl.) Nos. 206-210 of 2003

N. Ravi & Ors.... Petitioner(s)

vs.

Speaker, Legislative Assembly, Chennai & Ors.... Respondent(s)

(with appln.(s) for stay and with office report)

with

Writ Petition (Civil) No. 508 of 2003 (S. Selvam vs. State Government of Tamilnadu & Ors.) (with appln.(s) for stay and with office report)

Special Leave Petition (Civil) No. 11540/2004 (B. Krishna Bhat vs. Union of India & Ors.) (with appln.(s) for exemption from filing c/c of the impugned judgment and with prayer for interim relief)

Date: 08/12/2004 This/These matter(s) was/were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE H.K. SEMA
HON'BLE MR. JUSTICE G.P. MATHUR
HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

Mr. G.E. Vahanvati, SG
Mr. Davadatt Kamat, Adv.
for Attorney General of India

For Petitioner(s)
in WP(Crl.) 206-210/03Mr. Harish N. Salve, Sr. adv.
Ms. Aparajita Singh, Adv.
Ms. Meenakshi Grover, Adv.
Mr. Sanjeev Kr. Singh, Adv.
Mr. Arunabh Choudhury, adv.
Mr. R.N. Karanjawala, Adv.
Mr. Sam, Adv.
Mr. Ashis Jha,Adv
Mr. Bhargava V Desai, Adv.

in WP(C) 508/03Mr. Vibho Bakhru, adv.
Mr. Vivek Sibal, Adv.
Mr. Rahul Sharma, Adv.
Mr. P N Puri, Adv.

in SLP(C) 11540/04Mr. N.D.R. Ramachandra Rao, Adv.
Mr. R.S. Hegde, Adv.
Mr. Chandra Prakash, Adv.
Ms. Savitri Pandey, Adv.
Mr. P P Singh, Adv.

For Respondent (s)Mr. P N Ramalingam, Adv. (NP)

Mr. V.A. Bobde, Sr. Adv.
Mr. Raghavendra S. Srivastava, Adv.
Mr. Subramonium Prasad, Adv.

Mr. Sanjay R Hegde, Adv.

Mr. T.S. Doabia, Sr. adv.
Ms. Sunita Sharma, adv.
Mr. D.S.Mahra, adv.

Ms. Anil Katiyar, Adv.

Mr. Mukesh K Giri, Adv.

Mr. Gopal Prasad, Adv.
Mr. Anand Shekhar, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. Janaranjan Das, Adv.
Mr. Swetaketu Mishra, Adv.
Ms. Moushumi Gahlot, Adv.
Mr. Aruneshwar Gupta, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

Mr. B B Singh, Adv. (NP)

Mr. Tapash Ray,Sr. Adv.
Mr. Satish Vig, Adv.

Mr. K.N. Madhusoodhanan, Adv.
Mr. R Sathish, Adv.

Mr. K.K.Venugopal, Sr. adv. (NP)
Ms. Neelam Sharma, adv.
Mr. Tara Chand Sharma, adv.

Mr. Aruneshwar Gupta, AAG
Mr. Naveen Kr. Singh, Adv.
Ms. Shivangi, Adv.

For intervenor(s)Ms. Indu Malhotra, Adv. (NP)

For Impleaded partyMr. P.H. Parekh, Adv.
Mr. Sameer Parekh, adv.
Mr. Lalit Chauhan, Adv.
Mr. Sumit Goel, Adv.
for M/s. P H Parekh & Co., Advs.

UPON hearing counsel the Court made the following

O R D E R

SLP(C) No. 11540/2004
Service is not complete.
The hearing in this matter is separated.List after service is complete.
W.P.(Crl.) 206-210/2003 & W.P.(C) No. 508/2003
We have heard the learned counsel for the parties. Pandit M.S.M. Sharma Vs. Shri Sri Krishna Sinha & Ors. 1959 Supp. (1) SCR 806 is a Constitution Bench decision (Five Judges). Certain o bservations made in Special Reference No. 1 of 1964 (1965) 1 SCR 413 extensively read out by M r. Harish N. Salve, the learned senior counsel, run in conflict with the law laid down in Pand it M.S.M. Sharma’s case (supra); though in Special Reference No. 1/1964 (supra), a Seven Judg e Bench (at page 453) expressed an opinion that they were in agreement with the majority decis ion in Pandit M.S.M. Sharma’s case (supra). Shri Salve further submitted that the issue has v

ery wide ramifications and is likely to arise in future and needs to be settled authoritativel
y.
Let the matter be placed for consideration by a Seven Judge Bench.

(AJAY KR. JAIN) (RADHA R. BHATIA)
COURT MASTER COURT MASTER