

**NISHANTH PATIL
ADVOCATE ON RECORD
SUPREME COURT OF INDIA**

Date: 20.07.2026

To,
The Registrar,
Supreme Court of India,
Tilak Marg, New Delhi – 110001.

SUBJECT: LETTER OF URGENCY

Respected Sir,

1. It is respectfully submitted that there is extreme urgency in the present matter. By way of the impugned circular dated 18.07.2026, the Joint Secretary, Lok Sabha Secretariat, has unlawfully recognised the change in party affiliation of six MPs of Shiv Sena (Uddhav Balasaheb Thackeray), and they are now shown as part of the rival Shivsena led by Sh. Eknath Shinde. The impugned circular will have the effect of permitting 6 MPs of Shivsena (UBT) to function in the house as members of Shivsena.
2. The urgency in the present petition arises from the fact that the Monsoon Session of Parliament has commenced on 20.07.2026. The impugned circular prejudicially affects the composition and legislative weight of the Shivsena (UBT) inside the House during the pendency of the present petition. Each passing day allows Respondent Nos. 3-8 to violate the electoral mandate in their favour and fraudulently function as part of a rival political party.
3. This arrangement is anti-democratic and directly subverts the constitutional scheme.
4. Therefore, it is respectfully submitted that there is urgent need to list and consider the present Writ Petition on merits.

Thanking you.
Yours faithfully,



Nishanth Patil
(Advocate for the Petitioner)



ANNEXURE 'D'***PROPOSED ADVOCATE'S CHECK LIST (TO BE CERTIFIED BY ADVOCATE-ON-RECORD)***

1.	Writ Petition (C) has been filed in Form No. 28 with certificate.	YES
2.	The Petition is as per the provisions of Order XV Rule 1.	YES
3.	The papers of Writ have been arranged as per Order XXI, Rule (3)(1)(f).	YES
4.	Brief list of dates/events has been filed.	YES
5.	Paragraphs and pages of paper books have been numbered consecutively and correctly noted in Index.	YES
6.	Proper and required number of paper books (1 +1) have been filed.	YES
7.	The particulars of the impugned judgment passed by the court(s) below are uniformly written in all the documents.	NA
8.	In case of appeal by certificate the appeal is accompanied by judgment and decree appealed from and order granting certificate.	YES
9.	The Annexures referred to in the petition are true copies of the documents before the court(s) below and are filed in chronological order as per List of Dates.	YES
10.	The annexures referred to in, the petition are filed and indexed separately and not marked collectively	YES
11.	In Writ against the order passed in Second Appeal, copies of the orders passed by the Trial Court and First Appellate Court have been filed.	NA
12.	The complete listing proforma has been filled in, signed and included in the paper books.	YES

13.	In a petition (PIL) filed under clause (d) of Rule 12{1) Order XXXVIII, the petitioner has disclosed:		NA
	a)	his full name, complete postal address, e-mail address, phone number, proof regarding personal identification, occupation and annual income, PAN number and National Unique Identity Card number, if any;	
	b)	the facts constituting, the cause of action;	
	c)	the nature of injury caused or likely to be caused to public;	
	d)	the nature and extent of personal interest, if any, of petitioner(s);	
	e)	details regarding any civil, criminal or revenue litigation involving the petitioner or any of the petitioners, which or could have a legal nexus with the issue(s) involved in Public Interest Litigation.	
14.	In case of appeals under Armed Forces Tribunal Act, 2007, the petitioner/ appellant has moved before the Armed Forces Tribunal for granting certificate for leave to appeal to the Supreme Court.		NA
15.	All the paper books to be filed after curing the defects shall be in order.		YES

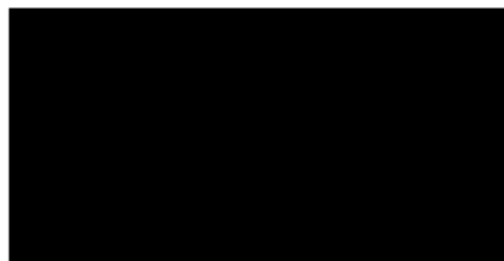
I hereby declare that I have personally verified the petition and its contents and it is in conformity with the Supreme Court Rules, 2013. I certify that the above requirements of this Check List have been complied with. I further certify that all the documents necessary for the purpose of hearing of the matter have been filed

Signature

AoR's Name

AoR Code

Contact No.



New Delhi

Date: 20.07.2026

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDCITION
(Under Article 32 of the Constitution of India)
WRIT PETITION (CIVIL) NO. _____ OF 2026**

BETWEEN:

ARVIND GANPAT SAWANT

...PETITIONER

VERSUS

HON'BLE SPEAKER, LOK SABHA & ORS.

...RESPONDENTS

W I T H

I.A. No. _____ OF 2026
[APPLICATION FOR INTERIM RELIEF]

P A P E R B O O K
(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR PETITIONER: _____ KUMAR DUSHYANT SINGH

PROFORMA FOR FIRST LISTING

The Case Pertains to (Please tick the Correct Box)			
☐	Central Act (Title)	:	N.A
☐	Section	:	N.A.
☐	Central Rule (Title)	:	N.A
☐	Rule No(s).	:	N.A.
☐	State Act (Title)	:	N.A.
☐	Section	:	N.A.
☐	State Rule (Title)	:	N.A.
☐	Rule No(s).	:	N.A.
☐	Impugned Interim Order (Date)	:	N.A.
☐	Impugned Final Order / Decree (Date)	:	N.A.
☐	High Court (Name)	:	N.A.
☐	Name of Judges	:	N.A.
☐	Tribunal / Authority (Name)	:	N.A.
1.	Nature of the matter	:	Civil
2.	(a) Petitioner No.1 / Appellant No.1	:	ARVIND GANPAT SAWANT
	(b) Email I.D.	:	N.A
	(c) Mobile phone number	:	N.A
3.	(a) Respondent(s)	:	HON'BLE SPEAKER, LOK SABHA & ORS.
	(b) Email I.D.	:	N.A
	(c) Mobile phone number	:	N.A
4.	(a) Main category classification	:	18
	(b) Sub-classification	:	1807
5.	Not to be listed before	:	N.A.
6.	(a) Similar disposed of matter with citation, if any, & case details	:	NO SIMILAR MATTER IS DISPOSED OFF
	(b) Similar pending matter with case details	:	NO SIMILAR MATTER PENDING
7.	Criminal Matters:		N.A
	(a) Whether accused / convict has surrendered	:	N.A
	(b) FIR No.	:	N/A
	Date	:	N.A
	(c) Police Station	:	N.A
	(d) Sentence Awarded	:	N.A
	(e) Period of sentence undergone including period of detention/ custody undergone	:	N.A
	(f) Whether any earlier case between the same parties is filed		N.A
	(g) Particulars of the FIR and Case		N.A
	(h) Whether any bail application was preferred earlier and decision thereupon		N.A

8.	Land Acquisitions Matters:		
	(a)	Date of Section 4 notification	: N.A.
	(b)	Date of Section 6 notification	: N.A.
	(c)	Date of Section 17 notification	: N.A.
9.	Tax matters:		N.A.
		State the tax effect	: N.A.
10.	Special Category (first Petitioner / Appellant only)	:	☐ Senior citizen > 65 years ☐ SC / ST ☐ Woman / Child ☐ Disabled ☐ Legal Aid case ☐ In custody
11.	Vehicle Number (in cases of Motor Accident Claim matters)	:	N.A.
12.	Whether there was / is litigation on the same point of law, if yes, details thereof		N.A.

FILED BY:


(NISHANTH PATIL)

DATE: 20.07.2026

[illegible]

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SYNOPSIS

1. The Petitioner [Leader of the Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party] is constrained to move this Hon'ble Court in its extraordinary jurisdiction under Article 32 of the Constitution, to challenge the ex-facie unconstitutional, illegal, and perverse circular dated 18.07.2026 bearing No. LSS/CIR/35194/2026, issued by the Joint Secretary, Lok Sabha Secretariat (Respondent No. 2) ("impugned circular"). The impugned circular purports to recognise/validate the acts of six Members of Parliament (MPs), who have unilaterally without the consent / approval / permission of their parent political party [Shiv Sena (Uddhav Balasaheb Thackeray)] have sought to 'merge' themselves with a rival political party, namely Shiv Sena led by Sh. Eknath Shinde.
2. It is submitted that Shiv Sena (Uddhav Balasaheb Thackeray) Political Party has 20 MLAs, 6 MLCs, 9 Lok Sabha MPs, and 1 Rajya Sabha MP. By the impugned circular, the number of MPs belonging to Shiv Sena (Uddhav Balasaheb Thackeray) stands reduced by six, while the number of MPs belonging to the Shiv Sena led by Sh. Eknath Shinde stands increased by six.
3. Respondent Nos. 3 to 8, who are amongst the 9 Lok Sabha MPs, were given tickets by Shiv Sena (Uddhav Balasaheb Thackeray) Political Party and contested the Lok Sabha elections on the name and symbol belonging to SS (UBT) (Flaming Torch/ Mashaal). The entire organisation, rank and file, and the leadership of the political party put immense effort and resources in campaigning for and securing the victory of Respondent Nos. 3 to 8 from their respective constituencies. The electorate of their constituencies reposing faith in the ideology, leadership of Sh. Uddhav Balasaheb Thackeray, and the programme of SS (UBT) elected Respondent Nos. 3 to 8 as their representatives in Parliament. The Lok Sabha elections in 2024 were fought, inter alia, against the candidates sponsored by Shiv Sena led by Sh. Eknath

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Shinde. The campaign, inter alia, revolved around usurpation of the legacy of Sh. Balasaheb Thackeray by Sh. Eknath Shinde through illegal means and unconstitutionally orchestrated defections. The electorate of their constituencies, in electing Respondent Nos. 3 to 8, accepted and validated the campaign carried out by the SS (UBT) leadership and organisation.

4. Respondent Nos. 3 to 8, within 2 years of their election, have betrayed the faith of the electorate and claimed to 'merge' in the rival political party of Shiv Sena led by Sh. Eknath Shinde. Such attempt at merger through unilateral claims of legislators, in defiance of their parent political party is without any constitutional or legal sanction. Such action is a blatant affront to the very concept of parliamentary democracy enshrined in the Constitution which is based on the functioning of political parties.
5. It is respectfully submitted that the impugned circular amounts to a constitutional hara-kiri, and weakens the very foundation of our parliamentary democracy. In fact, the present case is a stark example of the prevailing constitutional crisis surrounding functioning of political parties in Parliament and in State Legislative Assemblies. It is imperative for this Hon'ble Court, in discharge of its role as the guardian of the Constitution to issue effective directions striking down the impugned circular and nullify the attempts of Respondent Nos. 3 to 8 to undermine the democratic framework by functioning in the House in collusion with rival political parties.
6. It is submitted that parliamentary democracy being a part of the basic structure of our Constitution, it is imperative for this Hon'ble Court as the sentinel on the qui vive to save our democracy from the political machinations of the Respondents.
7. It is pertinent to state that the impugned circular has been issued by the Joint Secretary, Lok Sabha Secretariat. The circular states that

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“[c]onsequent upon the change in party affiliation of 6 Members of Shiv Sena (UBT) in Lok Sabha, the revised Party Position in Eighteenth Lok Sabha, as on 18.07.2026 is enclosed”. It is not made clear whether the purported ‘change in party affiliation’ is emanating from an order or direction passed by the Hon’ble Speaker, or whether the said change is recognised by the Lok Sabha Secretariat without any order of the Hon’ble Speaker in that regard.

8. In either case, it is submitted that such a change is illegal, unconstitutional, and beyond the powers, responsibilities, and functions of the Hon’ble Speaker of Lok Sabha as well as the Lok Sabha Secretariat.
9. Further, the impugned circular has been issued, without the Petitioner ever having been provided with a copy of the communication/representation submitted by Respondent Nos. 3 to 8 seeking recognition of merger with the Shiv Sena led by Sh. Eknath Shinde. The Petitioner made written requests vide letters dated 23.06.2026 and 24.06.2026, and also orally requested the Hon’ble Speaker during the hearing on 24.06.2026, for being supplied with a copy of the said representation. However, for reasons best known to Respondent Nos. 1 and 2, the Petitioner’s requests were not acceded to. Thus, the impugned circular is in clear violation of the principles of natural justice, is arbitrary, and consequently violative of Article 14 of the Constitution.
10. Moreover, the Petitioner had categorically brought to the attention of Respondent Nos. 1 and 2 vide letters dated 16.06.2026, 23.06.2026, and 24.06.2026, that the original political party [Shiv Sena (UBT)] had not at all proposed or consented to any merger with any other political party. Despite the same, the impugned circular merely records that *“[c]onsequent upon the change in party affiliation of 6 Members of Shiv Sena (UBT) in Lok Sabha, the revised Party Position in Eighteenth Lok Sabha, as on 18.07.2026 is enclosed”*, without disclosing any reasons

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or justification for arriving at this conclusion. Thus, the impugned circular being completely unreasoned attracts the wrath of Article 14 and deserves to be set aside on this ground as well.

11. It is respectfully submitted that legislators cannot decide on a merger with another political party. Legislators can only consent to or disagree with the merger of their original political party with another political party. In the present case, the original political party has categorically asserted that there is no merger; therefore, Respondent Nos. 1 or 2 could not have permitted a group of legislators, irrespective of their numerical strength, to merge into another political party. In any event, Paragraph 4 of the Tenth Schedule is not at all applicable in the facts of the present case.
12. It is submitted that the democratic framework enshrined in our Constitution mandates that a member of the House elected on the ticket of a political party is bound to act in the House in accordance with the directions and whips issued by that political party. This constitutional position is well settled and recognized by this Hon'ble Court in a number of judgments: ***Kanhiya Lal Omar v. R.K. Trivedi*, (1985) 4 SCC 628, *Kihoto Hollohan v. Zachillhu*, 1992 Supp (2) SCC 651, *S.R. Bommai v. Union of India*, (1994) 3 SCC 1, and *Subhash Desai v. State of Maharashtra*, (2024) 2 SCC 719.**
13. The Constitutional provisions relating to disqualification demonstrate that the Constitution expressly obligates a member of the House to follow the directions of and not act *de hors* the political party on whose ticket he is elected. As per Article 102(2) of the Constitution, a member of the House is disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule. The provisions of Para 2(1)(a) and 2(1)(b) of the Tenth Schedule provide for disqualification of a member when he commits any act amounting to voluntarily giving up membership of his original political party, and/ or acts in the House

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contrary to the directions of his original political party. Thus, the very insertion of the Tenth Schedule in the Constitution demonstrates that the constitutional framework prohibits a member from changing his party affiliation, without the consent and support of his original political party.

14. Para 4 of the Tenth Schedule recognizes the concept of merger only as a defence in disqualification proceedings instituted under the Tenth Schedule. In the present case, no disqualification proceedings have yet been instituted against Respondent Nos. 3 to 8 by their original political party, i.e. Shiv Sena (UBT). Therefore, if the impugned circular is based on any decision of the Hon'ble Speaker, the same is beyond the scope of powers and functions of the Speaker as an Officer of Parliament. Reliance in this regard is placed on the law laid down in ***Rajendra Singh Rana v. Swami Prasad Maurya*, (2007) 4 SCC 270**, and ***Haryana Vidhan Sabha v. Kuldeep Bishnoi*, (2015) 12 SCC 381**.
15. It is submitted that neither Respondent No. 1 nor Respondent No. 2 has any power to entertain a claim of merger or a claim of change in party affiliation on behalf of a group of members. In fact, Directions 120 and 121 of the "Directions by the Speaker Lok Sabha" relate to recognition of a group of members as a parliamentary party or group for functioning in the House. Under these directions, it is a precondition for recognition that the parliamentary party or group should have announced a distinct ideology and programme of parliamentary work at the time of the general elections, on the basis of which they have been elected to the House. Thus, a group claiming recognition must profess the same ideology and programme as it did at the time of elections. The recognition of Respondent Nos. 3 to 8 as part of the Shiv Sena led by Sh. Eknath Shinde after 2 years of their election on the ideology and programme of the Shiv Sena (UBT) is unconstitutional.
16. Neither Respondent No. 1 nor Respondent No. 2 has the power to recognize any change in party affiliation of Respondent Nos. 3 to 8, when

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the same has been not communicated by the Leader of the parliamentary party pertaining to the political party on whose ticket they were elected. Under the constitutional scheme, it is only the Leader of the parliamentary party, acting on the directions of the political party, that is entitled to communicate the composition of the parliamentary party in the House. This scheme does not permit any individual member to unilaterally claim alteration of the party composition. Reliance is placed on Para 8 of the Tenth Schedule of the Constitution, and Rules 3 to 5 of the Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985.

17. The impugned circular is in the teeth of the law laid down by this Hon'ble Court in ***Subhash Desai***, where it was held that allowing elected representatives to sever their "umbilical cord" with the political party that set them up, and to function as an independent group inside the House, is a complete betrayal of the electorate's mandate and a system of governance not envisaged by the Constitution.
18. The impugned circular amounts to flagrant departure from the constitutional scheme, constitute a gross illegality and a substantive unconstitutionality, and is in violation of Article 14 of the Constitution. It is, thus, subject to judicial review by this Hon'ble Court under Article 32, as held by the Hon'ble Constitution Bench in ***Raja Ram Pal v. Lok Sabha***, (2007) 3 SCC 184.
19. Hence, the present writ petition.

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LIST OF DATES

04.06.2024	The General Elections for the 18th Lok Sabha were held from April-June, 2024. The Shiv Sena (UBT) led by Sh. Uddhav Thackeray as its PakshaPramukh had contested on 21 seats. The results were announced by the Election Commission of India on 04.06.2024. Candidates belonging to Shiv Sena (UBT) emerged successful in 9 seats. Pursuant thereto, the 9 Shiv Sena (UBT) MPs formed the Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party. With the blessings of the political party leadership and the members of the parliamentary party, the Petitioner was chosen as Leader in the House of the Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party.
June, 2026	In June, 2026, the Petitioner learnt from news reports that some of the Shiv Sena (UBT) MPs were contemplating merging with the Shiv Sena led by Sh. Eknath Shinde before the Monsoon Session of Parliament.
16.06.2026	As per the instructions of the political party's leadership, the Petitioner addressed a letter to the Hon'ble Speaker informing him that the Shiv Sena (UBT) is one political party, and that the party had not merged with any other political party. The parliamentary party owed its existence to the political party, and a faction of the parliamentary party cannot in law claim to have merged with another political party. Accordingly, the Petitioner requested the Hon'ble Speaker not to take any decision without first affording Shiv Sena (UBT) of placing its submissions before the Speaker.
22.06.2026	The Lok Sabha Secretariat informed the Petitioner that he had been granted an opportunity to present his case before the Hon'ble Speaker on 24.06.2026.

23.06.2026	The Petitioner replied to the Joint Secretary requesting him to reschedule the hearing since the Petitioner was on an official tour as a Member of the Parliamentary Standing Committee on External Affairs on the said date. The Petitioner also requested for being provided with copies of any representations, communications, memoranda, or correspondence received from any member of Shiv Sena (UBT) regarding any alleged merger or request for separate recognition. Finally, the Petitioner reiterated that the Shiv Sena (UBT) had no proposal or plan to merge with any other political party.
	The Petitioner was telephonically informed by the Lok Sabha Secretariat that his request for rescheduling had not been acceded to by the Hon'ble Speaker. Further, the Petitioner was not provided with any documents received by the Hon'ble Speaker from the members belonging to Shiv Sena (UBT) regarding the alleged merger.
24.06.2026	The Petitioner appeared before the Hon'ble Speaker and also submitted his written submissions under cover of a letter dated 24.06.2026. In these submissions, it was categorically submitted that there had been no merger of Shiv Sena (UBT) with any other political party. A letter dated 24.06.2026 addressed by Sh. Uddhav Balasaheb Thackeray, the party president, to the Hon'ble Speaker was also attached in support of this submission. The submissions further clarified the constitutional position that any claim of merger must emanate from the political party, and that members of the House had no right in law to claim a merger <i>de hors</i> their political party. Pertinently, in the letter dated 24.06.2026, the Petitioner again demanded a copy of any representations/ correspondence

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	that may have a bearing on the status, functioning, or representation of the party in Parliament. The same request was reiterated during the hearing as well. However, the Petitioner has not been supplied with any of the documents submitted by the 6 MPs till date.
13.07.2026	The Petitioner addressed separate letters to Respondent Nos. 3 to 8 stating the clear position of the Shiv Sena (UBT) Political Party that there had been no merger whatsoever of the Shiv Sena (UBT) with any other political party. The letters were marked to the Hon'ble Speaker as well.
18.07.2026	Now, on the eve of commencement of the Monsoon Session of Parliament, the Joint Secretary, Lok Sabha Secretariat has issued the impugned circular dated 18.07.2026 stating that <i>"[c]onsequent upon the change in party affiliation of 6 Members of Shiv Sena (UBT) in Lok Sabha, the revised Party Position in Eighteenth Lok Sabha, as on 18.07.2026 is enclosed"</i> .
20.07.2026	Hence, the present writ petition.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. _____ OF 2026

IN THE MATTER OF:

ARVIND GANPAT SAWANT,



...PETITIONER

VERSUS

1. HON'BLE SPEAKER, LOK SABHA
PARLIAMENT HOUSE, SANSAD MARG,
NEW DELHI, DELHI 110001.

...RESPONDENT No.1

2. JOINT SECRETARY, LOK SABHA SECRETARIAT
PARLIAMENT HOUSE, NEW DELHI- 110001

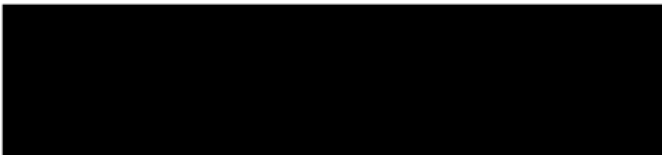
...RESPONDENT No.2

3. BHAUSAHEB WAKCHAURE,



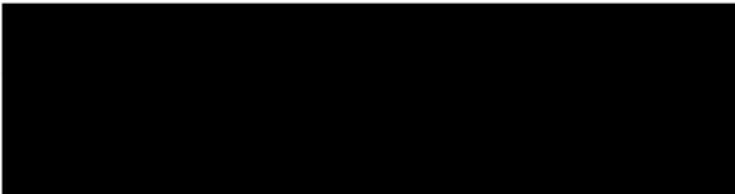
...RESPONDENT No.3

4. NAGESH PATIL ASHTIKAR,



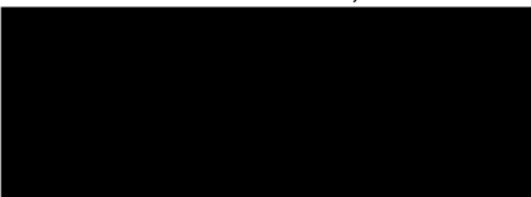
...RESPONDENT No.4

5. OMPRAKASH RAJE NIMBALKAR.



...RESPONDENT No.5

6. SANJAY BANDU JADHAV,



...RESPONDENT No.6

7. SANJAY DESHMUKH,



....RESPONDENT No.7

8. SANJAY DINA PATIL,



...RESPONDENT No.8

**WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA SEEKING SETTING ASIDE OF
CIRCULAR NO. LSS/CIR/35194/2026 DATED 18.07.2026
ISSUED BY THE JOINT SECRETARY, LOK SABHA
SECRETARIAT**

TO,

THE HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
SUPREME COURT OF INDIA AT NEW DELHI

THE HUMBLE PETITION OF THE PETITIONER
ABOVE-NAMED

MOST RESPECTFULLY SHEWTH:

1. The Petitioner respectfully invokes the extraordinary jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India, assailing the Circular No. LSS/CIR/35194/2026 dated 18.07.2026 issued by the Joint Secretary, Lok Sabha Secretariat, which states that "*[c]onsequent upon the change in party affiliation of 6 Members of Shiv Sena (UBT) in Lok Sabha, the revised Party Position in Eighteenth Lok Sabha, as on 18.07.2026 is enclosed*". True Copy of the circular dated 18.07.2026 bearing No. LSS/CIR/35194/2026 is annexed herewith and marked as **ANNEXURE-P-1**. (PAGE No.35 - 36)

2. It is submitted that from the impugned circular it is not made clear by Respondent No. 2 whether the purported change in party affiliation of six Members of Shiv Sena (UBT) in Lok Sabha emanates from a decision or order passed by the Hon'ble Speaker.
3. Irrespective of whether the impugned circular is based on a decision of the Hon'ble Speaker or not, it is respectfully submitted that the impugned recognition of change in party affiliation of 6 MPs elected on the ticket of Shiv Sena (Uddhav Balasaheb Thackeray) Political Party (hereinafter "Shiv Sena (UBT)") is unlawful, unconscionable, and contrary to the democratic framework enshrined in the Constitution of India. The constitutional framework mandates that a member of the House elected on the ticket of a political party is bound to act in the House as per the directions and whips issued by that political party. Such member(s) have no constitutional right, individually or while acting as a group, to defy their original political party, to change their party affiliation, or to claim that they have merged into another political party.
4. The present case is a stark example of the prevailing constitutional crisis surrounding functioning of political parties in Parliament and in State Legislative Assemblies. It is imperative for this Hon'ble Court, in discharge of its role as the guardian of the Constitution, to issue directions striking down the attempts of Respondent Nos. 3 to 8 to function in the House in collusion with rival political parties, in brazen violation of the constitutional scheme.
5. The detailed facts leading to filing of the present Writ Petition are as follows:

PARTICULARS OF THE PARTIES

6. The Petitioner is a Member of Parliament, and the Leader of the Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party, Lok Sabha.

He is also a Leader of the Shiv Sena (Uddhav Balasaheb Thackeray) Political Party.

7. Respondent No. 1 is the Hon'ble Speaker of the Lok Sabha. Respondent No. 2 is the Joint Secretary, Lok Sabha Secretariat which has issued the impugned circular dated 18.07.2026.
8. Respondent Nos. 3 to 8 are Members of Parliament elected to the 18th Lok Sabha on the ticket of Shiv Sena (UBT), who have made a specious claim of having merged with the Shiv Sena led by Sh. Eknath Shinde, a claim that is now given recognition by the impugned circular.

FACTUAL CONSPECTUS

9. The General Elections for the 18th Lok Sabha were held from April-June, 2024. The Shiv Sena (UBT) led by Sh. Uddhav Thackeray as its PakshaPramukh had contested on 21 seats. The results were announced by the Election Commission of India on 04.06.2024. Candidates belonging to Shiv Sena (UBT) emerged successful in 9 seats.
10. Pursuant thereto, the 9 Shiv Sena (UBT) MPs formed the Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party. With the blessings of the political party leadership and the members of the parliamentary party, the Petitioner was chosen as Leader in the House of the Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party.
11. It is submitted that Respondent Nos. 3 to 8 are amongst the 9 Lok Sabha MPs elected on the ticket of Shiv Sena (UBT). The entire organisation, rank and file, and the leadership of the political party put immense effort and resources in campaigning for and securing the victory of Respondent Nos. 3 to 8 from their respective constituencies. The electorate of their constituencies reposing faith in the ideology,

leadership of Sh. Uddhav Balasaheb Thackeray, and the programme of SS (UBT) elected Respondent Nos. 3 to 8 as their representatives in Parliament. The Lok Sabha elections in 2024 were fought, inter alia, against the candidates sponsored by Shiv Sena led by Sh. Eknath Shinde. The campaign, inter alia, revolved around usurpation of the legacy of Sh. Balasaheb Thackeray by Sh. Eknath Shinde through illegal means and unconstitutionally orchestrated defections. The electorate of their constituencies, in electing Respondent Nos. 3 to 8, accepted and validated the campaign carried out by the SS (UBT) leadership and organisation.

12. In June, 2026, the Petitioner learnt from news reports that some of the Shiv Sena (UBT) MPs were contemplating merging with the Shiv Sena led by Sh. Eknath Shinde before the Monsoon Session of Parliament. True Copy of one such news report dated 15.06.2026 titled "Will seven Uddhav Sena MPs join Shinde faction ahead of Monsoon Session? Former MP makes big claim" published in the India TV is annexed herewith as **ANNEXURE-P-2**. (PAGE NO.37 - 39)

13. On 16.06.2026, as per the instructions of the political party's leadership, the Petitioner addressed a letter to the Hon'ble Speaker informing him that the Shiv Sena (UBT) is one political party, and that the party had not merged with any other political party. The parliamentary party owed its existence to the political party, and a faction of the parliamentary party cannot in law claim to have merged with another political party. Accordingly, the Petitioner requested the Hon'ble Speaker not to take any decision without first affording Shiv Sena (UBT) of placing its submissions before the Speaker. True Copy of the letter dated 16.06.2026 sent by the Petitioner to the Hon'ble Speaker is annexed herewith as **ANNEXURE-P-3**. (PAGE NO. 40 - 43)

14. In the meantime, the party leadership of Shiv Sena (UBT) called meeting(s) of its legislators. Pursuant to the events that unfolded in these meeting(s), it became clear that Respondent Nos. 3 to 8 had made a specious claim of merger with the rival Shiv Sena.
15. On 22.06.2026, the Lok Sabha Secretariat informed the Petitioner that he had been granted an opportunity to present his case before the Hon'ble Speaker on 24.06.2026. True Copy of the letter dated 22.06.2026 bearing No. LAFEAS-TO-B050/5/2026-TO(B) sent by the Lok Sabha Secretariat, to the Petitioner is annexed herewith as **ANNEXURE-P-4**. (PAGE NO. 44)
16. On 23.06.2026, the Petitioner replied to the Joint Secretary requesting him to reschedule the hearing since the Petitioner was on an official tour as a Member of the Parliamentary Standing Committee on External Affairs on the said date. The Petitioner also requested for being provided with copies of any representations, communications, memoranda, or correspondence received from any member of Shiv Sena (UBT) regarding any alleged merger or request for separate recognition. Finally, the Petitioner reiterated that the Shiv Sena (UBT) had no proposal or plan to merge with any other political party. True Copy of the letter dated 23.06.2026 sent by the Petitioner to the Joint Secretary, Lok Sabha Secretariat, is annexed herewith and marked as **ANNEXURE-P-5**. (PAGE NO. 45 - 46)
17. The Petitioner was telephonically informed by the Lok Sabha Secretariat that his request for rescheduling had not been acceded to by the Hon'ble Speaker. Further, the Petitioner was not provided with any documents received by the Hon'ble Speaker from the members belonging to Shiv Sena (UBT) regarding the alleged merger.

18. On 24.06.2026, the Petitioner appeared before the Hon'ble Speaker and also submitted his written submissions under cover of a letter dated 24.06.2026. In these submissions, it was categorically submitted that there had been no merger of Shiv Sena (UBT) with any other political party. A letter dated 24.06.2026 addressed by Sh. Uddhav Balasaheb Thackeray, the party president, to the Hon'ble Speaker was also attached in support of this submission. The submissions further clarified the constitutional position that any claim of merger must emanate from the political party, and that members of the House had no right in law to claim a merger *de hors* their political party. True Copy of the letter dated 24.06.2026 sent by the Petitioner to the Hon'ble Speaker, along with its enclosures, is annexed herewith as **ANNEXURE-P-6**. (PAGE NO.47-52)
19. Pertinently, in the letter dated 24.06.2026, the Petitioner again demanded a copy of any representations/ correspondence that may have a bearing on the status, functioning, or representation of the party in Parliament. The same request was orally reiterated during the hearing before the Hon'ble Speaker as well. However, the Petitioner has not been supplied with any of the documents submitted by the 6 MPs till date.
20. On 13.07.2026, the Petitioner addressed separate letters to Respondent Nos. 3 to 8 stating the clear position of the Shiv Sena (UBT) Political Party that there had been no merger whatsoever of the Shiv Sena (UBT) with any other political party. The letters were marked to the Hon'ble Speaker as well. True Copy of the letter dated 13.07.2026 sent by the Petitioner to Sh. Bhausaheb Wakchaure is annexed herewith as **ANNEXURE-P-7**. (PAGE NO.53 - 55)

True Copy of the letter dated 13.07.2026 sent by the Petitioner to Sh. Nagesh Patil Ashtikar is annexed herewith and marked as **ANNEXURE-P-8**. (PAGE NO. 56 - 58)

True Copy of the letter dated 13.07.2026 sent by the Petitioner to Sh. Omprakash Raje Nimbalkar is annexed herewith as **ANNEXURE-P-9**. (PAGE NO. 59 - 61)

True Copy of the letter dated 13.07.2026 sent by the Petitioner to Sh. Sanjay Bandu Jadhav is annexed herewith and marked as **ANNEXURE-P-10**. (PAGE NO. 62 - 64)

True Copy of the letter dated 13.07.2026 sent by the Petitioner to Sh. Sanjay Deshmukh is annexed herewith and marked as **ANNEXURE-P-11**. (PAGE NO. 65 - 67)

True Copy of the letter dated 13.07.2026 sent by the Petitioner to Sh. Sanjay Dina Patil is annexed herewith and marked as **ANNEXURE-P-12**. (PAGE NO. 68 - 70)

21. Now, on the eve of commencement of the Monsoon Session of Parliament, the Joint Secretary, Lok Sabha Secretariat has issued the impugned circular dated 18.07.2026 recognizing the change in party affiliation of Respondent Nos. 3 to 8 in the Lok Sabha, thereby according a stamp of approval to the private Respondents' illegal claim of merger.
22. The Petitioner, therefore, invokes the extraordinary jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India, inter alia, on the following grounds. It is submitted that the present writ petition is without prejudice to the rights of the Petitioner and/or his political party [Shiv Sena (UBT)] to avail their legal and constitutional remedies in respect of actions of Respondent Nos. 3 to 8.

GROUNDS

A. **FOR THAT** the recognition of change in party affiliation of Respondent Nos. 3 to 8 despite clear and categorical denial of any merger by the Shiv Sena (UBT) Political Party, is violative of the democratic framework enshrined in the Constitution. This framework mandates that a member of the House elected on the ticket of a political party is bound to act in the House in accordance with the directions and whips issued by that political party. A member does not have any constitutional right to act in the House in defiance of its political party. This constitutional position is well settled and recognized by this Hon'ble Court in a number of judgments:

(i) ***Kanhiya Lal Omar v. R.K. Trivedi, (1985) 4 SCC 628:***

“10. It is true that till recently the Constitution did not expressly refer to the existence of political parties. **But their existence is implicit in the nature of democratic form of Government which our country has adopted.** The use of a symbol, be it a donkey or an elephant, does give rise to a unifying effect amongst the people with a common political and economic programme and ultimately helps in the establishment of a Westminster type of democracy which we have adopted with a Cabinet responsible to the elected representatives of the people who constitute the Lower House. The political parties have to be there if the present system of Government should succeed ...”

(ii) ***Kihoto Hollohan v. Zachillhu, 1992 Supp (2) SCC 651:***

“13. ... A political party goes before the electorate with a particular programme and it sets up candidates at the election on the basis of such programme. A person who gets elected as a candidate set up by a political party is so elected on the basis of the programme of that political party.

...
...

44. But a political party functions on the strength of shared beliefs. **Its own political stability and social utility depends on such shared beliefs and concerted action of its Members in furtherance of those commonly held principles.** Any freedom of its Members to vote as they please independently of the political party's declared policies will not only embarrass its public image and

popularity but also undermine public confidence in it which, in the ultimate analysis, is its source of sustenance — nay, indeed, its very survival. Intra-party debates are of course a different thing. But a public image of disparate stands by Members of the same political party is not looked upon, in political tradition, as a desirable state of things...
...

(iii) ***S.R. Bommai v. Union of India*, (1994) 3 SCC 1:**

“397. ... Whatever may be his personal predilections, a legislator elected on the ticket of a party is bound to support that party in case of a division or vote of confidence in the House, unless he is prepared to forego his membership of the House. The Xth Schedule was designed precisely to counteract ‘horse-trading’. Except in the case of a split, a legislator has to support his party willy-nilly. This is the difference between the position obtaining prior to and after the Xth Schedule. Prior to the said amendment, a legislator could shift his loyalty from one party to the other any number of times without imperilling his membership of the House — it was as if he had a property in the office.”

(iv) ***Subhash Desai v. State of Maharashtra*, (2024) 2 SCC 719:**

“109. “Political party” and “legislature party” cannot be conflated...

...
119. To hold that it is the legislature party which appoints the Whip would be to sever the figurative umbilical cord which connects a Member of the House to the political party. **It would mean that legislators could rely on the political party for the purpose of setting them up for election, that their campaign would be based on the strengths (and weaknesses) of the political party and its promises and policies, that they could appeal to the voters on the basis of their affiliation with the party, but that they can later disconnect themselves entirely from that very party and be able to function as a group of MLAs which no longer owes even a hint of allegiance to the political party. This is not the system of governance that is envisaged by the Constitution.** In fact, the Tenth Schedule guards against precisely this outcome.”

- B. **FOR THAT** the impugned circular is in violation of the constitutional position that a group of legislators belonging to a political party cannot themselves claim that they or their party have merged into any other

political party. The merger of a political party can only emanate from the political party leadership itself. A legislator or group of legislators belonging to one political party do not have any legal or constitutional right to merge into or affiliate themselves with another political party. In fact, the Constitution categorically prohibits them from doing so. Therefore, Respondent No. 2 acting with or without the directions of Respondent No. 1 has no power to recognize a change in party affiliation of a sitting member of the House.

C. **FOR THAT** the provisions in the Constitution relating to disqualification demonstrate that the Constitution expressly obligates a member of the House to follow the directions of and not act *de hors* the political party on whose ticket he is elected. As per Article 102(2) of the Constitution, a member of the House is disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule. The provisions of Para 2(1)(a) and 2(1)(b) of the Tenth Schedule provide for disqualification of a member when he commits any act amounting to voluntarily giving up membership of his original political party, and/ or acts in the House contrary to the directions of his original political party. Thus, the very insertion of the Tenth Schedule in the Constitution demonstrates that the constitutional framework prohibits a member from changing his party affiliation, without the consent and support of his original political party.

D. **FOR THAT** Para 4 of the Tenth Schedule recognizes the concept of merger only as a defence in disqualification proceedings instituted under the Tenth Schedule. Para 4 reads as follows:

“4. Disqualification on ground of defection not to apply in case of merger.—

(1) A member of a House shall not be disqualified under sub-paragraph (1) of paragraph 2 where his original political party merges with another political party and he

claims that he and any other members of his original political party—

(a) have become members of such other political party or, as the case may be, of a new political party formed by such merger; or

(b) have not accepted the merger and opted to function as a separate group,

and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this sub-paragraph.

(2) For the purposes of sub-paragraph (1) of this paragraph, the merger of the original political party of a member of a House shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the legislature party concerned have agreed to such merger”

In the present case, no disqualification proceedings have yet been **instituted** against Respondent Nos. 3 to 8 by their original political party, i.e. Shiv Sena (UBT). Therefore, Respondent No. 2, acting with or without the instructions of the Hon’ble Speaker, had no power to recognize the merger or change in party affiliation of the group of Respondent Nos. 3 to 8.

It is only in exercise of the Speaker’s quasi-judicial functions under Para 6 of the Tenth Schedule that the Speaker can consider and rule on a defence of merger raised by a group of legislators. The impugned circular does not emanate from exercise of any quasi-judicial functions under Para 6 of the Tenth Schedule. Therefore, the same being contrary to the constitutional scheme is liable to be set aside.

Reliance in this regard is placed on the law laid down by the Hon’ble Constitution Bench of this Court in ***Rajendra Singh Rana v. Swami Prasad Maurya*, (2007) 4 SCC 270**, where it was categorically held:

“25. ...A proceeding under the Tenth Schedule gets started before the Speaker only on a complaint being made that certain persons belonging to a political party had incurred disqualification on the ground of defection. To meet the claim so raised, the Members of Parliament or Assembly against whom the proceedings are initiated have the right to show that there has been a split in the original political party and they form one-third of the members of the legislature of that party, or that the party has merged with another political party and hence para 2 is not attracted. On the scheme of Articles 102 and 191 and the Tenth Schedule, the determination of the question of split or merger cannot be divorced from the motion before the Speaker seeking a disqualification of a member or members concerned

...

26. ... Independent of a claim that someone has to be disqualified, the scheme of the Tenth Schedule or the rules made thereunder, do not contemplate the Speaker embarking upon an independent enquiry as to whether there has been a split in a political party or there has been a merger. ...

27. ... Call it a defence or whatever, a claim under para 3 as it existed prior to its deletion or under para 4 of the Tenth Schedule, are really answers to a prayer for disqualifying the member from the legislature on the ground of defection. Therefore, in a case where a Speaker is moved by a legislature party or the leader of a legislature party to declare certain persons disqualified on the ground that they have defected, it is certainly open to them to plead that they are not guilty of defection in view of the fact that there has been a split in the original political party and they constitute the requisite number of legislators or that there has been a merger. In that context, the Speaker cannot say that he will first decide whether there has been a split or merger as an authority and thereafter decide the question whether disqualification has been incurred by the members, by way of a judicial adjudication sitting as a Tribunal. It is part and parcel of his jurisdiction as a Tribunal while considering a claim for disqualification of a member or members to decide that question not only in the context of the plea raised by the complainant but also in the context of the pleas raised by those who are sought to be disqualified that they have not incurred disqualification in view of a split in the party or in view of a merger.”

Reliance is further placed on the law laid down in ***Haryana Vidhan Sabha v. Kuldeep Bishnoi*, (2015) 12 SCC 381**, where it was held:

“43. ... Hence, determination of the question of split or merger could not be divorced from the motion before the Speaker seeking a disqualification of the Member or Members concerned under Para 6 of Schedule X. Under the scheme of Schedule X the Speaker does not have an independent power to decide that there has been split or merger as contemplated by Paras 3 and 4 respectively and such a decision can be taken only when the question of disqualification arises in a proceeding under Para 6. It is only after a final decision is rendered by the Speaker under Para 6 of Schedule X to the Constitution that the jurisdiction of the High Court under Article 226 of the Constitution can be invoked.”

- E. **FOR THAT** without prejudice to the contention in Ground D, it is submitted that even under Para 4 of the Tenth Schedule, a group of legislators cannot themselves set up a claim of merger. Para 4 merely gives an option to legislators to accept or reject a merger of their original political party. It does not confer upon them the authority to bring about such merger. Para 4 contemplates two distinct stages: *first*, there must be a merger of the ‘original political party’; and *second*, members of the legislature party are presented with a choice to accept or not accept such merger. Thus, in the absence of any merger of the Shiv Sena (Uddhav Balasaheb Thackeray) Political Party, as repeatedly reiterated by the party in its communications, there is no question of legislators claiming any independent merger of their own. Reliance is placed on the decision of the Hon’ble Constitution Bench in ***Subhash Desai v. State of Maharashtra*, (2024) 2 SCC 719**, where it was held:

“168.3. In terms of Para 4, a member will not be disqualified either under Para 2(1)(a) or under Para 2(1)(b) where their original political party merges with another political party **and** they claim that they and any other members of their original political party have become members of such other political party or of a new political party formed by the merger. [Para 4(1)(a) of the Tenth Schedule to the Constitution.] This defence is made out only if not less than

two-thirds of the members of the legislature party concerned have agreed to the merger; [Para 4(2) of the Tenth Schedule to the Constitution.]

168.4. In cases where the original political party of a member is found to have merged with another political party under Para 4(1)(a), members of the original political party are protected from being disqualified if they have not accepted such merger and have opted to function as a separate group; [Para 4(1)(b) of the Tenth Schedule to the Constitution.] and
...

- F. **FOR THAT** the impugned circular is in violation of the Rules of Procedure and Conduct of Business in Lok Sabha. Under Article 118(1) of the Constitution, each House of the Parliament may make rules relating to conduct of its business:

“118. Rules of procedure.—

(1) Each House of Parliament may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.”

In accordance with this provision, the Lok Sabha has enacted the Rules of Procedure and Conduct of Business in Lok Sabha. Rule 389 of these rules vests the Hon'ble Speaker with the power to regulate matters not specifically provided for in the Rules, and all questions relating to the detailed working of these Rules:

“389. Residuary Powers

All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct.”

In exercise of these residuary powers, the Hon'ble Speaker has framed the “Directions by the Speaker Lok Sabha”, which are published by the Lok Sabha Secretariat. Directions 120 and 121 relate to recognition of a group of members as a parliamentary party or group for functioning in the House. Under these directions, it is a precondition for recognition that the parliamentary party or group should have announced a distinct

ideology and programme of parliamentary work at the time of the general elections, on the basis of which they have been elected to the House:

“120. Recognition of Party or Group.

The Speaker may recognise an association of members as a Parliamentary Party or Group for the purpose of functioning in the House and the decision of the Speaker shall be final.

121. Conditions for recognition.

In recognising a Parliamentary Party or Group the speaker shall take into consideration the following principles:—

(1) An association of members who propose to form a Parliamentary Party—

(a) shall have announced at the time of the general elections a distinct ideology and programme of Parliamentary work on which they have been returned to the House;

(b) shall have an organisation both inside and outside the House; and

(c) shall have at least a strength equal to the quorum fixed to constitute a sitting of the House, that is one-tenth of the total number of members of the House.

(2) An association of members to form a Parliamentary Group shall satisfy the conditions specified in parts (a) and (b) of clause (i) and shall have at least a strength of 30 members.”

Thus, the above directions require that a group claiming recognition must profess the same ideology and programme as it did at the time of elections. In the present case, Respondent Nos. 3 to 8, at the time of their election, professed the ideology and programme of the Shiv Sena (UBT), whereas the programme of Shiv Sena led by Sh. Eknath Shinde was in direct conflict with the same. Therefore, the impugned circular could not have recognized the group of Respondent Nos. 3 to 8 as being part of the Shiv Sena led by Sh. Eknath Shinde.

- G. **FOR THAT** the impugned circular could not have recognized the alleged change in party affiliation of Respondent Nos. 3 to 8 based on the purported communication by the concerned MPs. Under the constitutional scheme, it is only the Leader of the parliamentary party, acting on the directions of the political party, that is entitled to

communicate the composition of the said political party in the House. This scheme does not permit any individual member to unilaterally claim alteration of the party composition.

Para 8 of the Tenth Schedule of the Constitution of India provides that it is the political party that has to furnish information regarding admission of members of the House to the party. Additionally, it provides that the Hon'ble Speaker has the power to make rules providing for the maintenance of registers or other records as to the political parties, if any, to which different members of the House belong. These rules are to be tabled before the House, which may approve the same. Para 8 reads as follows:

“8. Rules.—

(1) Subject to the provisions of sub-paragraph (2) of this paragraph, the Chairman or the Speaker of a House may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for—

(a) the maintenance of registers or other records as to the political parties, if any, to which different members of the House belong;

(b) ...

(c) the reports which a political party shall furnish with regard to admission to such political party of any members of the House and the officer of the House to whom such reports shall be furnished; and

(d) ...

(2) The rules made by the Chairman or the Speaker of a House under sub-paragraph (1) of this paragraph shall be laid as soon as may be after they are made before the House for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the House and

where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.”

Pursuant to this power, the Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985, have been framed. Rule 5 provides that the Register of information as to members has to be maintained based on information furnished under rules 3 and 4. Rule 5(1) reads as follows:

“5. Register of information as to members

(1) The Secretary-General shall maintain, as in Form IV, a register based on the information furnished under rules 3 and 4 in relation to the members.”

As per Rule 3(1)(a), it is the Leader of the Legislature Party who is required to furnish a statement containing the names of members of such legislature party in Form I, which has to include the “*Name of the corresponding political party*”. Importantly, it is only the Leader of the Legislature Party that is entitled to communicate any change in information furnished by them, thereby including the list of its members, as per **Rule 3(4)**. Rule 3 reads as follows:

“3. Information to be furnished by leader of a legislature party

(1) The leader of each legislature party (other than legislature party consisting of only one member) shall, within thirty days after the first sitting of the House, or, where such legislature party is formed after the first sitting, within thirty days after its formation, or, in either case within such further period as the Speaker may for sufficient cause allow, furnish the following to the Speaker, namely:

(a) a statement (in writing) containing the names of members of such legislature party together with other particulars regarding such members as in Form I and the names and designations of the members of such party who have been authorised by it for communicating with the Speaker for purposes of these rules;

...

(4) Whenever any change takes place in the information furnished by the leader of a legislature party under sub-rule

(1) or by a member under sub-rule (2), the member concerned, within thirty days thereafter, or, within such further period as the Speaker may for sufficient cause allow, furnish in writing information to the Speaker with respect to such change.

...

As regards the individual MP, as per Rule 4(2), they are required to furnish a statement of particulars in Form III, which includes information about the political party to which the candidate is affiliated, only prior to subscribing oath and taking seat of the House. There is no provision permitting any member to provide any information qua change in party affiliation, and neither is any power given to the Hon'ble Speaker to recognize any such communication. Rule 4 reads as follows:

“4. Information etc. to be furnished by members.

...

(2) Every member who takes seat in the House after the commencement of these rules shall, before making and subscribing an oath or affirmation under article 99 of the Constitution and taking seat in the House, deposit with the Secretary-General, the election certificate or, as the case may be, a certified copy of the notification of being nominated as a member and also furnish to the Secretary-General a statement of particulars and declaration as in Form III.

...”

Therefore, it is respectfully submitted that no changes can be made in the register of information as to members qua party affiliation of any given member, until and unless a communication to that effect is furnished by the Leader of a parliamentary party in that regard. In the present case, the Petitioner, being the Leader of the Shiv Sena (UBT) Parliamentary Party had not communicated any change in its composition in the House. In the absence of any such communication, the impugned circular could not have been issued recognizing Respondent Nos. 3 to 8 as having merged with the Shiv Sena led by Sh. Eknath Shinde.

- H. **FOR THAT** under the constitutional and statutory scheme, the legislators that are elected to the House are set up by their political party, and are bound by the directions of the political party. The political party, in turn, is represented by the political party's leadership led by the Party President. The elected legislators, thus, cannot have any independent recognition *de hors* the political party that had set them up for elections.

As per **Section 33** of the Representation of the People Act, 1951, every candidate for election to a constituency is required to submit a nomination paper in the prescribed form. **Rule 4** of the Conduct of Elections Rules, 1961, prescribes Forms 2A to 2E for elections to different Houses. As regards the Lok Sabha, **Form 2A** requires the candidate to identify the political party which has set him up for the election. It is on that basis that an appropriate symbol is allotted to the candidate for the election.

For the Election Commission to be satisfied that the candidate is indeed set up by the political party identified by him in his nomination papers, **Para 13 of the Election Symbols (Reservation and Allotment) Order, 1968**, prescribes a procedure whereby the Party President or Secretary are required to submit **Form A** before the Returning Officer clearly specifying the person authorised on behalf of the political party to nominate the candidates of that party. Further, the person so authorised on behalf of the political party is required to submit **Form B** to the Returning Officer nominating the candidate as having been set up by that political party. Para 13 of the Symbols Order reads as follows:

“13. When a candidate shall be deemed to be set up by a political party.- For the purposes of an election from any parliamentary or assembly constituency to which this Order applies, a candidate shall be deemed to be set up by a political party in any such parliamentary or assembly constituency, if, and only if,-

- (a) the candidate has made the prescribed declaration to this effect in his nomination paper;
- (aa) the candidate is a member of that political party and his name is borne on the rolls of members of the party;
- (b) a notice by the political party in writing, in Form B, to that effect has, not later than 3 p.m. on the last date for making nominations, been delivered to the Returning Officer of the constituency;
- (c) the said notice in Form B is signed by the President, the Secretary or any other office bearer of the party, and the President, Secretary or such other office bearer sending the notice has been authorised by the party to send such notice;
- (d) the name and specimen signature of such authorised person are communicated by the party, in Form A, to the Returning Officer of the constituency and to the Chief Electoral Officer of the State or Union Territory concerned, not later than 3 p.m. on the last date for making nominations; and
- (e) Forms A and B are signed, in ink only, by the said office bearer or person authorised by the party: Provided that no facsimile signature or signature by means of rubber stamp, etc., of any such office bearer or authorised person shall be accepted and no form transmitted by fax shall be accepted."

Therefore, it is respectfully submitted that the MPs that have been elected to the House on the ticket of a given political party, are bound to be recognized solely as representatives of that political party in the House. They cannot be granted any separate recognition, devoid of their original political party, except to the limited extent permitted under Para 4 in context of a defence to disqualification proceedings.

- I. **FOR THAT** it is respectfully submitted that the impugned circular is tainted by a substantive and gross illegality. By recognizing a "merger" of legislators in the absence of a merger of the original political party, and completely bypassing the jurisdictional prerequisite of a

disqualification petition under Paragraph 6 of the Tenth Schedule, the Respondent No. 2, acting with or without the directions of the Hon'ble Speaker, has committed a jurisdictional and substantive illegality that goes to the very root of their authority. Such a flagrant departure from the constitutional scheme constitutes a gross illegality and a substantive unconstitutionality that is fully open to judicial review by this Hon'ble Court under Article 32.

- J. **FOR THAT** the impugned order subverts the foundational principles of parliamentary democracy, which is an essential facet of the Basic Structure of the Constitution. Under our constitutional system, voters cast their ballots for candidates based on their affiliation with a political party, its ideology, symbol, and manifesto. As recognized by this Hon'ble Court in ***Subhash Desai***, allowing elected representatives to sever their “umbilical cord” with the political party that set them up, and to function as an independent group inside the House, is a complete betrayal of the electorate's mandate and a system of governance not envisaged by the Constitution. By recognizing a breakaway faction of 6 MPs as a merged group when the original political party has categorically denied any such merger, the impugned order validates backdoor defections, violates the anti-defection constitutional scheme, and directly compromises the democratic ideals of accountability and representative governance.
- K. **FOR THAT** the impugned circular is manifestly arbitrary and violative of the principles of natural justice. Despite several representations, Respondent Nos. 1 and 2 have never supplied the Petitioner with a copy of the communications or representations received from Respondent Nos. 3 to 8. Moreover, the Petitioner has not been provided with any order of the Hon'ble Speaker accepting or rejecting the representation/ written submissions submitted by him on 24.06.2026. Therefore, the impugned circular is in violation of the requirements of Article 14 and Article 21 and consequently liable to be set aside.

- L. **FOR THAT** the impugned circular is further violative of the principles of natural justice because in the absence of disclosure of the material relied upon, the Petitioner and his party were denied a meaningful and effective opportunity of representing their position before the Hon'ble Speaker. It is settled law that the right to a fair hearing necessarily includes the right to know and meet the case of the opposite side, and denial of the same vitiates the entire decision-making process, rendering the impugned order void ab initio.
- M. **FOR THAT** the impugned circular does not disclose any reasons for accepting the claim of merger of the 6 MPs and for rejecting the categorical stand of the Petitioner and the political party that no merger had taken place. It is well settled that recording of reasons is an indispensable component of any decision-making process affecting the rights of parties, more so where, as in the present case, the decision is founded upon disputed questions of fact between rival claimants. A non-speaking, unreasoned order that departs from the settled legal position without any discernible application of mind is arbitrary and unsustainable in law, and is liable to be quashed on this ground alone.
- N. **FOR THAT** the impugned circular does not make it clear whether it is issued on the directions or based on an order passed by the Hon'ble Speaker. In case the impugned circular emanates from Respondent No. 2 without any directions or order of the Hon'ble Speaker, it is submitted that the impugned circular is completely without jurisdiction and void ab initio. The Lok Sabha Secretariat has no power whatsoever to recognize a change in party affiliation of a member of the House in the midst of the term. Consequently, the impugned circular deserves to be quashed as being patently without jurisdiction.

- O. **FOR THAT** the impugned circular, by recognizing a merger of legislators in the House, has attempted to resurrect the defunct concept of a “**split**” under the guise of a “merger”. The “split” defence under the erstwhile Paragraph 3 of the Tenth Schedule (which allowed a one-third faction of a legislature party to claim a split) was consciously deleted by Parliament through the Ninety-First Constitutional Amendment Act, 2003, to curb the menace of defection. Currently, the only defence to defection is a full organizational merger under Paragraph 4, which requires the original political party itself to merge with another political party. By permitting 6 out of 9 MPs to claim an independent “merger” on their own, when the parent political party has explicitly remained intact and refused to merge, the impugned circular has effectively allowed a “split” of the legislature party to be recognized under the label of a “merger”. This is a direct fraud on the Constitution and a colourable exercise of power.
- P. **FOR THAT** the impugned circular is manifestly arbitrary and hence violative of Article 14 of the Constitution. The circular results in a capricious and disproportionate outcome inasmuch as it confers upon a group of 6 MPs, who do not constitute a validly merged political entity in law, the status and privileges otherwise reserved for a distinct political party, to the prejudice of the remaining 3 MPs and the political party as a whole.
- Q. **FOR THAT** the impugned circular, if allowed to stand, would set a pernicious precedent and open the floodgates for legislators to engineer defections under the guise of unilateral claims of merger, without there being any genuine merger of their original political party, thereby completely defeating the object and purpose of the Tenth Schedule to the Constitution, which was inserted precisely to curb the evil of political defections and to preserve the sanctity of the mandate given by the electorate to a political party.

- R. **FOR THAT** it is settled law that substantive illegality, unconstitutionality, and breach of fundamental rights committed by the Hon'ble Speaker or the Lok Sabha Secretariat are subject to judicial review by courts. The Constitution Bench of this Hon'ble Court in its decision in ***Raja Ram Pal v. Lok Sabha*, (2007) 3 SCC 184**, held as follows:

“360. The question of extent of judicial review of parliamentary matters has to be resolved with reference to the provision contained in Article 122(1) that corresponds to Article 212 referred to in *Pandit Sharma (II)* [AIR 1960 SC 1186 : (1961) 1 SCR 96 (Eight Judges)]. On a plain reading, Article 122(1) prohibits “the validity of any proceedings in Parliament” from being “called in question” in a court merely on the ground of “irregularity of procedure”. In other words, the procedural irregularities cannot be used by the court to undo or vitiate what happens within the four walls of the legislature. **But then, “procedural irregularity” stands in stark contrast to “substantive illegality” which cannot be found included in the former. We are of the considered view that this specific provision with regard to check on the role of the judicial organ vis-à-vis proceedings in Parliament uses language which is neither vague nor ambiguous and, therefore, must be treated as the constitutional mandate on the subject, rendering unnecessary search for an answer elsewhere or invocation of principles of harmonious construction.**

...

362. The above indeed was a categorical clarification that Article 122 does contemplate control by the courts over legality of parliamentary proceedings. What the provision intended to prohibit thus were cases of interference with internal parliamentary proceedings on the ground of mere procedural irregularity.

...

366. The touchstone upon which parliamentary actions within the four walls of the legislature were examined was both the constitutional as well as substantive law. The proceedings which may be tainted on account of substantive illegality or unconstitutionality, as opposed to those suffering from mere irregularity thus cannot be held protected from judicial scrutiny by Article 122(1) inasmuch as the broad principle laid down

in *Bradlaugh* [(1884) 12 QBD 271 : 53 LJQB 290 : 50 LT 620] acknowledging exclusive cognizance of the legislature in England has no application to the system of governance provided by our Constitution wherein no organ is sovereign and each organ is amenable to constitutional checks and controls, in which scheme of things, this Court is entrusted with the duty to be watchdog of and guarantor of the Constitution.

...

376. In our considered view, the principle that is to be taken note of in the aforementioned series of cases is that notwithstanding the existence of finality clauses, this Court exercised its jurisdiction of judicial review whenever and wherever breach of fundamental rights was alleged. The President of India while determining the question of age of a Judge of a High Court under Article 217(3), or the President of India (or the Governor, as the case may be) while taking a decision under Article 311(3) to dispense with the ordinarily mandatory inquiry before dismissal or removal of a civil servant, or for that matter the Speaker (or the Chairman, as the case may be) deciding the question of disqualification under para 6 of the Tenth Schedule may be acting as authorities entrusted with such jurisdiction under the constitutional provisions. Yet, the manner in which they exercised the said jurisdiction is not wholly beyond the judicial scrutiny. In the case of the Speaker exercising jurisdiction under the Tenth Schedule, the proceedings before him are declared by para 6(2) of the Tenth Schedule to be proceedings in Parliament within the meaning of Article 122. Yet, the said jurisdiction was not accepted as non-justiciable. In this view, we are unable to subscribe to the proposition that there is absolute immunity available to the parliamentary proceedings relating to Article 105(3). It is a different matter as to what parameters, if any, should regulate or control the judicial scrutiny of such proceedings.

...

386. Article 122(1) thus must be found to contemplate the twin test of legality and constitutionality for any proceedings within the four walls of Parliament. The fact that *U.P. Assembly case (Special Reference No. 1 of 1964)* [AIR 1965 SC 745 : (1965) 1 SCR 413 sub nom Keshav Singh, In re] dealt with the exercise of the power of the House beyond its four walls does not affect this view

which explicitly interpreted a constitutional provision dealing specifically with the extent of judicial review of the internal proceedings of the legislative body. In this view, Article 122(1) displaces the English doctrine of exclusive cognizance of internal proceedings of the House rendering irrelevant the case-law that emanated from courts in that jurisdiction. Any attempt to read a limitation into Article 122 so as to restrict the court's jurisdiction to examination of the Parliament's procedure in case of unconstitutionality, as opposed to illegality would amount to doing violence to the constitutional text. Applying the principle of “expressio unius est exclusio alterius” (whatever has not been included has by implication been excluded), **it is plain and clear that prohibition against examination on the touchstone of “irregularity of procedure” does not make taboo judicial review on findings of illegality or unconstitutionality.**

...

398. We are of the view that the manner of exercise of the power or privilege by Parliament is immune from judicial scrutiny only to the extent indicated in Article 122(1), that is to say the court will decline to interfere if the grievance brought before it is restricted to allegations of “irregularity of procedure”. **But in case gross illegality or violation of constitutional provisions is shown, the judicial review will not be inhibited in any manner by Article 122, or for that matter by Article 105.** If one was to accept what was alleged while rescinding the resolution of expulsion by the Seventh Lok Sabha with the conclusion that it was “inconsistent with and violative of the well-accepted principles of the law of parliamentary privilege and the basic safeguards assured to all enshrined in the Constitution”, it would be a partisan action in the name of exercise of privilege. We are not going into this issue but citing the incident as an illustration.

...

431. We may summarise the principles that can be culled out from the above discussion. They are:

...

(b) The constitutional system of Government abhors absolutism and it being the cardinal principle of our Constitution that no one, howsoever lofty, can claim to be the sole judge of the power given under the Constitution, mere coordinate constitutional status, or even the status of

an exalted constitutional functionaries, does not disentitle this Court from exercising its jurisdiction of judicial review of actions which partake the character of judicial or quasi-judicial decision;

...

(f) The fact that Parliament is an august body of coordinate constitutional position does not mean that there can be no judicially manageable standards to review exercise of its power;

...

(r) Mere availability of the Rules of Procedure and Conduct of Business, as made by the legislature in exercise of enabling powers under the Constitution, is never a guarantee that they have been duly followed;

(s) The proceedings which may be tainted on account of substantive or gross illegality or unconstitutionality are not protected from judicial scrutiny;"

The above position has been consistently reiterated by this Hon'ble Court including in its decisions in ***Amarinder Singh v. Punjab Vidhan Sabha*, (2010) 6 SCC 113, *Kalpna Mehta v. Union of India*, (2018) 7 SCC 1, *K.S. Puttaswamy (Aadhaar-5J.) v. Union of India*, (2019) 1 SCC 1, and *Roger Mathew v. South Indian Bank Ltd.*, (2020) 6 SCC 1.**

The Constitution Bench of this Hon'ble Court in ***Subhash Desai v. State of Maharashtra*, (2024) 2 SCC 719**, further emphasized that even illegal procedures which have an impact on democratic ideals, are amenable to judicial review:

"99. The House of the People and the Legislative Assemblies of States are constituted of Members directly elected by the electorate. The candidate who secures the highest number of votes is returned to the Assembly. The political party which reaches the half-way mark forms the Government. A coalition of political parties may form the Government if no single political party reaches the half-way mark. Articles 75 and 164 provide that the Council of Ministers is collectively responsible to the House of the

People and Legislative Assembly of the State respectively. The legislators who are directly elected by the people have a duty to hold the executive accountable on the floor of the House. Legislative procedures serve two objectives — first, they enable deliberation and discussion on the floor of the House to hold the executive accountable, and such deliberation also produces better constitutional outcomes; and second, they create a system to place a check on the exercise of power by the incumbent Government. Certain procedural requirements prescribed by the Constitution safeguard constitutional values. This is reflected in Article 368 which prescribes a special majority to amend certain constitutional provisions, which according to the members of the Constituent Assembly hold a higher constitutional (and democratic) value. Certain other legislative procedures further democratic processes and accountability, and prevent the concentration of power in the hands of the incumbent Government. Article 212 cannot be interpreted as placing all procedural infringements beyond the pale of judicial review. Such an interpretation would completely disregard the importance of legislative processes in a constitutional democracy.

100. The distinction between irregular procedure and illegal procedure must be drawn based on the nature of the procedure which was violated, and the impact of such a violation on democratic ideals. An infringement of a procedure would be irregular if the purpose of such procedure is unrelated to democratic ideals and its violation does not go to the root of democratic processes.

101. The observations of this Court on the interpretation of Article 212 highlighted above do not make a distinction between irregularity and illegality solely based on the source of law. The distinction is not based on whether the procedure is entrenched in the Constitution but whether it is crucial for the sustenance of democracy. A violation of a procedure that fulfils the twin objectives highlighted above and which is necessary for the sustenance of parliamentary democracy would render the action illegal. On the other hand, a violation of a procedure that establishes orderliness may only be irregular.”

This Hon'ble Court in the case of ***Ashish Shelar v. Maharashtra Legislative Assembly*, (2022) 12 SCC 273**, emphasised that rules framed by the House acquire the status of procedure established by law for the purpose of Article 21 of the Constitution, and it is mandatory to adhere to the “express substantive stipulation” and the principles underlying them. Any deviation from the same is subject to judicial review:

“39. Be that as it may, it is well settled that the Rules so framed can be altered by the House at any time. Until the rules are altered, however, the House is ordinarily guided by the procedure prescribed in the Rules framed under Article 208 of the Constitution. At the same time, proceedings inside the legislature cannot be called into question on the ground that the same have not been carried on in accordance with the rules of business as restated in *Kihoto Hollohan* [*Kihoto Hollohan v. Zachillhu*, 1992 Supp (2) SCC 651, para 111 : AIR 1993 SC 412 at p. 451-52, para 42 (Five-Judge Bench)] . **It is, however, enough for the present to observe that the Rules framed under Article 208 acquire the status of procedure established by law for the purpose of Article 21 of the Constitution** as noticed in *M.S.M. Sharma* [*M.S.M. Sharma v. Sri Krishna Sinha*, AIR 1959 SC 395, paras 25, 26, 28 and 29 (Five-Judge Bench)] . This observation has been quoted with approval by another Constitution Bench again in *Raja Ram Pal* [*Raja Ram Pal v. Lok Sabha*, (2007) 3 SCC 184] , inter alia, in paras 53, 167, 338, 416 and 417.

40. Viewed thus, even though the legislature has the prerogative to deviate from the rules including to alter the rules; until then, and even otherwise, it is expected to adhere to the “express substantive stipulation” (which is not mere procedure) in the Rules framed under Article 208 of the Constitution and the principle underlying therein, being procedure established by law.”

Furthermore, this Hon'ble Court in ***Sunil Kumar Singh v. Bihar Legislative Council*, (2026) 2 SCC 364**, has specifically held that administrative actions of legislative bodies are amenable to judicial review on the grounds of being arbitrary, mala fide, or in violation of constitutional rights:

“29. Reverting to the facts of the instant case, the impugned report recommending the expulsion of the petitioner was made by the Ethics Committee in the discharge of its administrative functions. These functions have been assigned in the Rules framed by the State Legislature under Article 208 of the Constitution. **The Rules so enacted govern the internal functioning, discipline of the House and the procedure by which the House regulates its affairs. However, such administrative actions, even though referable to the Rules formulated under Article 208 of the Constitution, do not constitute the legislative functions of the House.** As discussed in the preceding paragraphs, the legislative functions pertain to law-making, deliberation, and policy formulation, whereas the present action of the Ethics Committee is purely administrative in nature, aimed at enforcing discipline and ethical standards amongst the Members of the House.

30. The distinction between legislative and administrative functions is well recognised in constitutional jurisprudence. **When a legislative body frames rules under Article 208 and subsequently enforces them through disciplinary measures, such enforcement is an exercise of administrative power rather than legislative power.**

31. **It is well established that administrative actions, even when undertaken by legislative bodies or their committees, are subject to judicial review where they affect the rights and interests of individuals.** In fact, this Court in *Ashish Shelar v. Maharashtra Legislative Assembly* [*Ashish Shelar v. Maharashtra Legislative Assembly*, (2022) 12 SCC 273] has held that the substantive disciplinary or rationality of the self-security measure inflicted upon the erring Member is open to judicial review on the touchstone of being unconstitutional, grossly illegal, irrational or arbitrary.

32. **There can thus be no doubt that if such an administrative decision is found to be arbitrary, mala fide, or in violation of constitutional rights, it is open to judicial intervention in the same manner as any other executive action of the State. Determining whether an impugned action or breach is an exempted irregularity or justiciable illegality is a matter of judicial interpretation and would undoubtedly fall within the ambit of Constitutional Courts.**”

It is respectfully submitted that the impugned circular has a grave impact on democratic functioning, is a substantial illegality, and in violation of the constitution. Thus, the same is subject to judicial review by this Hon'ble Court.

- S. **FOR THAT** the impugned circular has in effect recognized the private Respondents' claim of merger of Shiv Sena (UBT) with the Shiv Sena led by Sh. Eknath Shinde, despite the Shiv Sena (UBT) leadership having categorically repudiated any claim or proposal of merger. The recognition of change in party affiliation based on this specious claim of merger casts a cloud on the function of the Shiv Sena (UBT) Political Party in the House. The Shiv Sena (Uddhav Balasaheb Thackeray) Political Party has 20 MLAs, 6 MLCs, 9 Lok Sabha MPs, and 1 Rajya Sabha MP. It has a large organization outside the House and extensive party cadre outside the House. The said organization cannot be treated to have merged with another political party solely based on a unilateral claim made by six individuals.
- T. The Petitioner craves liberty from this Hon'ble Court to add, alter or amend other/further grounds during hearing of the present petition.
23. That the present petition raises a substantial question of law, namely, whether a group of Members of Parliament can claim separate recognition in the Lok Sabha, dehors their original political party.
24. The Petitioner has not filed any other petition before this Hon'ble Court or any other court seeking the same relief.

PRAYER

WHEREFORE, in light of the submissions made hereinabove, it is respectfully prayed that this Hon'ble Court be pleased to:

- (a) Issue a writ of certiorari or any other appropriate writ, order or direction quashing the impugned circular dated 18.07.2026 bearing No. LSS/CIR/35194/2026 issued by the Lok Sabha Secretariat to the extent that it recognises the "*change in party affiliation of 6 Members of Shiv Sena (UBT) in Lok Sabha*" and the consequential "*revised Party Position in Eighteenth Lok Sabha*"; AND
- (b) Grant such other reliefs as this Hon'ble Court may deem fit and proper in light of the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY

DRAWN BY:

[ROHIT SHARMA] [NIKHIL PUROHIT]
[JATIN LALWANI]
ADVOCATES

FILED BY:


[NISHANTH PATIL]
ADVOCATE FOR PETITIONER

SETTLED BY:

[DEVADATT KAMAT]
SENIOR ADVOCATE

DRAWN ON: 20.07.2026

FILED ON: 20.07.2026

IN THE SUPREME COURT OF INDIA
CIVIL EXTRAORDINARY JURISDICTION
WRIT PETITION (C) NO. _____ OF 2026

IN THE MATTER OF:

Arvind Ganpat Sawant

...Petitioner

Versus

Hon'ble Speaker, Lok Sabha & Ors.

...Respondents

AFFIDAVIT

I, Arvind Ganpat Sawant, S/o Late Sh. Ganpat Pandurang Sawant, aged about 74 years, Resident of 15, Pandit Pant Marg, New Delhi- 110001, do hereby solemnly affirm and state on oath as follows: -

1. That I am the Petitioner in the captioned petition and I am aware of the facts and circumstances of the case and competent to swear to the contents of this affidavit.
2. I say that I have read and understood the contents of the accompanying Synopsis & List of Dates at page B to J , Writ Petition (Page No. 1 to 34, Para 1 to 24), and accompanying applications, and state that the averments of facts made therein are true to my knowledge and information derived from the record of the case and those of submissions of law made in grounds, prayer and certificate and application are true as per the legal advice received and believed by me.
3. That the annexures annexed herewith are true copies of their respective originals.
4. I say that the averments of facts stated herein above are true to my knowledge and no part of it is false and nothing material has been concealed therefrom.

[Redacted Signature]
DEPONENT

VERIFICATION:

I, the deponent above named do hereby verify that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.

20 JUL 2026

Verified at _____ on this the ____ day of July, 2026.

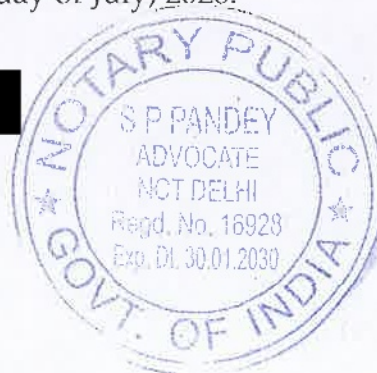
ATTESTED

NOTARY PUBLIC
DELHI (INDIA)

Entry in Notary Register

No...130...Page-49

Date...20 JUL 2026



[Redacted Signature]
DEPONENT

I Identify the deponent who has signed in my presence

[TABLE OFFICE (B)]

PARLIAMENT HOUSE
NEW DELHI-110 001

No. LSS/CIR/35194/2026

Dated the 18th July, 2026**C I R C U L A R****Subject: Party Position in Lok Sabha.**

Consequent upon the change in party affiliation of 6 Members of Shiv Sena (UBT) in Lok Sabha, the revised Party Position in Eighteenth Lok Sabha, as on 18.07.2026 is enclosed.

Officers/Branches may please see for information.

**(SANTOSH KUMAR)
JOINT SECRETARY****[F.No. TO-B036/50/5/2026-TO(B)]****To****All Officers/ All Branches**

Sl. No.	Name of Party	Strength	Leader
1	Bharatiya Janata Party	239	Shri Narendra Modi
2	Indian National Congress	98	Shri Rahul Gandhi
3	Samajwadi Party	37	Shri Akhilesh Yadav
4	All India Trinamool Congress	28\$	Shri Abhishek Banerjee
5	Dravida Munnetra Kazhagam	22	Shri T.R. Baalu
6	Telugu Desam	16	Shri Lavu Sri Krishna Devarayalu
7	Shiv Sena	13	Dr. Shrikant Eknath Shinde
8	Janata Dal (United)	12	Shri Dileshwar Kamait
9	Nationalist Congress Party - Sharadchandra Pawar	8	Smt. Supriya Sule
10	Lok Janshakti Party (Ram Vilas)	5	Shri Chirag Paswan
11	Communist Party of India (Marxist)	4	Shri K. Radhakrishnan
12	Rashtriya Janata Dal	4	Shri Abhay Kumar Sinha
13	Yuva Jana Sramika Rythu Congress Party	4	Shri P.V. Midhun Reddy
14	Aam Aadmi Party	3	Shri Gurmeet Singh Meet Hayer
15	Indian Union Muslim League	3	Shri E.T. Mohammed Basheer
16	Jharkhand Mukti Morcha	3	Smt. Joba Majhi
17	Shiv Sena (Uddhav Balasaheb Thackrey)	3	Shri Arvind Sawant
18	Communist Party of India	2	Shri K. Subbarayan
19	Communist Party of India (Marxist-Leninist) (Liberation)	2	Shri Raja Ram Singh
20	Jammu & Kashmir National Conference	2	Shri Mian Altaf Ahmad
21	Janasena Party	2	Shri Balashowry Vallabhaneni
22	Janata Dal (Secular)	2	Shri M. Mallesh Babu
23	Rashtriya Lok Dal	2	Dr. Rajkumar Sangwan
24	Viduthalai Chiruthaigal Katchi	2	Shri ThirumaavalavanThol
25	Aazad Samaj Party (Kanshi Ram)	1	Shri Chandrashekhar
26	AJSU Party	1	Shri Chandra Prakash Choudhary
27	All India Majlis-E-Ittehadul Muslimeen	1	Shri Asaduddin Owaisi
28	Apna Dal (Soneylal)	1	Smt. Anupriya Patel
29	Asom Gana Parishad	1	Shri Phani Bhusan Choudhury
30	Bharat Adivasi Party	1	Shri Raj Kumar Roat
31	Hindustani Awam Morcha (Secular)	1	Shri Jitan Ram Manjhi
32	Kerala Congress	1	Adv K. Francis George
33	Marumalarchi Dravida Munnetra Kazhagam	1	Shri Durai Vaiko
34	Nationalist Congress Party	1	Shri Tatkare Sunil Dattatreya
35	Rashtriya Loktantrik Party	1	Shri Hanuman Beniwal
36	Revolutionary Socialist Party	1	Shri N.K. Premachandran
37	Shiromani Akali Dal	1	Smt. Harsimrat Kaur Badal
38	Sikkim Krantikari Morcha	1	Shri Indra Hang Subba
39	United People's Party, Liberal	1	Shri Joyanta Basumatary
40	Zoram People's Movement	1	Shri Richard Vanlalhmangaiha
41	Independent	7 #	
42	Vacancy	3*	
	TOTAL	542 (Excluding HS)	

\$ 20 members seated separately as requested.

#(i) Shri Rajesh Ranjan alias Pappu Yadav; (ii) Shri Vishal (dada) Prakashbapu Patil; (iii) Shri Amritpal Singh; (iv) Shri Sarabjeet Singh Khalsa; (v) Shri Umeshbhai Babubhai Patel; (vi) Shri Abdul Rashid Sheikh and (vii) Shri Mohamad Haneefa.

*Basirhat (West Bengal) vice Shri Sk Nurul Islam (passed away on 25.09.2024)

*Shillong (Meghalaya) vice Dr. Ricky Andrew J. Syngkon (passed away on 19.02.2026)

*Nagaon (Assam) vice Shri Pradyut Bordoloi (resigned on 20.03.2026)


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[News](#) [Maharashtra](#) Will seven Uddhav Sena MPs join Shinde faction ahead of Monsoon Session? Former MP makes big claim

Will seven Uddhav Sena MPs join Shinde faction ahead of Monsoon Session? Former MP makes big claim

 Reported By: [Yogendra Tiwari](#) Edited By: [Arushi Jaiswal](#)

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The Sena UBT, however, has asserted that the party remains united and there will be no split. Further, it has said that Aaditya Thackeray, who remains UBT's leader, will take the next generation forward.



Maharashtra Deputy CM Eknath Shinde, MLC Krupal Tumane, and Shiv Sena UBT chief Uddhav Thackeray

IMAGE SOURCE : PTI/REPORTER



Mumbai: Political speculation in Maharashtra has intensified amid claims that seven Lok Sabha MPs from Uddhav Thackeray-led Shiv Sena (UBT) are set to join Deputy Chief Minister Eknath Shinde's Shiv Sena ahead of the upcoming Monsoon Session of Parliament. Adding fuel to the speculation, Shiv Sena leader and former MP Krupal Tumane claimed that the induction of the seven MPs into the Shinde camp would take place before the Monsoon Session. He also said that an "Operation Tiger" is about to unfold in Maharashtra politics.

Tumane, who is a Member of the Legislative Council of Maharashtra, further added that following the "Operation Tiger" involving MPs, there

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completed. "People will soon see the Shinde faction's 'Operation Tiger.' Just as a thorough examination is conducted before a medical operation, all investigative procedures for 'Operation Tiger' have been completed, and the operation will take place shortly. The lead surgeon for this is Maharashtra's Deputy Chief Minister, Eknath Shinde," he said.

The former MP also claimed that five MPs were absent from a meeting convened by Uddhav Thackeray on Sunday, while two others who attended the meeting are allegedly in touch with Shinde.

When will MPs switch parties?

According to Tumane, discussions with the seven MPs have already taken place, and they are expected to formally join Shinde's Shiv Sena in Delhi before the Monsoon Session begins.

"Seven MPs from Uddhav Thackeray's party are in touch with us. All discussions have been concluded, and these MPs will join the Shinde faction in Delhi before the Monsoon Session. All MPs and MLAs desire development in their constituencies, and Eknath Shinde's party is on the path of development," he claimed.

He further alleged that several legislators and MPs are impressed by the developmental work being carried out in constituencies represented by the Shinde faction. "Since development work is progressing in the constituencies of Shiv Sena's legislators, 16 MLAs, alongside the seven MPs, have expressed their desire to join the Shinde faction."

It is pertinent to mention that Krupal Tumane won the two consecutive Lok Sabha polls from Ramtek in 2014 and 2019.

'16 MLAs in touch with Shinde'

He also claimed that 16 MLAs from Thackeray's party are in contact with Shinde and may join the ruling Shiv Sena after the Maharashtra Monsoon Session.

"16 MLAs are also in contact with Shinde. These 16 MLAs will join the Shinde-led Shiv Sena faction following Maharashtra's monsoon session. The induction of 7 MPs is certain, and these 16 MLAs will also join the Shinde faction soon thereafter," he said.

"Currently, 7 MPs are in touch with us. There are 2 MPs who are not willing; however, they might change their minds in the future. All these MPs and MLAs reached out to Shinde on their own; they are looking to secure their futures," he added.

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Date : 16th June, 2026

Shri. Om Birla ji,

The Hon'ble Speaker

Lok Sabha, New Delhi.

Respected Sir,

Jai Hind!

I am writing to you in my capacity as Leader of the Shiv Sena (Uddhav Balasaheb Thackeray) and as the Leader of the Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party in the Lok Sabha. Further, our claim that we represent the real Shiv Sena is sub judice in the Hon'ble Supreme Court, and this letter is being written without prejudice to that claim. There are reports appearing in the media that certain Members of Parliament elected on the symbol of the Shiv Sena (Uddhav Balasaheb Thackeray) have either approached, or are contemplating approaching, your office seeking recognition as a separate group or a merger with another political party within the Lok Sabha. Since such reports raise issues touching directly upon the constitutional scheme governing political parties and legislative parties, I consider it necessary to place the position of the party on record and to respectfully request that no such claim be entertained.

At the outset, I would like to emphasise that the Shiv Sena (Uddhav Balasaheb Thackeray) is one political party and remains so in the eyes of law. The parliamentary party owes its existence entirely to, and functions as a constituent part of, the political party. The constitutional framework does not envisage the existence of multiple competing formations claiming to represent the same political party within the House. Consequently, there can be only one authorised party leadership in Parliament, one recognised party whip, and one recognised party structure acting under the authority of the political party and its competent organs.

The legal position in this regard has been authoritatively explained by the Constitution Bench of the Hon'ble Supreme Court in *Subhash Desai v. Principal Secretary, Governor of Maharashtra & Ors.*, 2023 INSC 516 (AIR 2023 SC 2406). The judgment clarifies several principles which are directly relevant to the issue at hand.

First, the constitutional recognition formerly accorded to a "split" no longer exists. Following the deletion of Paragraph 3 of the Tenth Schedule by the Constitution (Ninety-first Amendment) Act, 2003, members can no longer rely upon a claim of division within a political party as a defence to disqualification proceedings. The constitutional framework therefore does not recognise the creation of splinter groups within a political party as a legitimate basis for separate existence in the legislature.

Secondly, the judgment unequivocally affirms the primacy of the political party over the legislature party. The authority to determine leadership within the House, to appoint the whip, and to issue directions regarding legislative conduct flows from the political party. The legislature party does not possess an independent source of authority divorced from the political party. Any claim by a section of members to establish a separate leadership structure, appoint a rival whip, or function autonomously from the political party would be fundamentally inconsistent with this principle.

The combined effect of the above principles is that the relief reportedly sought—namely, recognition of a separate group or faction or merger with another political party of the Shiv Sena (Uddhav Balasaheb Thackeray) within the Lok Sabha is unsupported by the constitutional framework governing political parties and legislative parties. Following the Constitution (Ninety-first Amendment) Act, 2003, which abolished the split provision, the Constitution recognises only one limited exception to disqualification on account of political realignment, namely a merger within the meaning of Paragraph 4 of the Tenth Schedule.

Paragraph 4 requires the cumulative satisfaction of two distinct conditions: first, a merger of the original political party; and second, the support of not less than two-thirds of the members of the legislature party concerned. The two requirements operate conjunctively and not disjunctively. Public reports appear to proceed on the erroneous assumption that the numerical requirement alone is sufficient. That is contrary to the Constitution and its interpretation by the Supreme Court.

Accordingly, even assuming, without admitting, that a particular number of members of the legislature party have acted in concert, there has been no merger of the Shiv Sena (Uddhav Balasaheb Thackeray) with any other political party, nor has there been any constitutionally recognised transformation of the political party into another entity. The distinction deliberately drawn by the Constitution between a "political party" and a "legislature party" makes it clear that the conditions relating to both must be satisfied before Paragraph 4 can be invoked.

In the absence of such a merger, conduct whereby members seek to project themselves as a separate political formation, reject the authority of the party's authorised leadership, or function independently of the political party may attract the consequences prescribed under Paragraph 2 of the Tenth Schedule. Such conduct would fall for consideration as voluntary relinquishment of membership of the political party within the meaning of Paragraph 2(1)(a), and, where applicable, may also attract Paragraph 2(1)(b) in the event of voting or abstention contrary to the party whip.

I may also respectfully invite attention to the Directions by the Speaker, Lok Sabha, including Direction 121 and the allied provisions governing recognition of parties and groups in the House. These Directions contemplate recognition being accorded through the authorised leadership of a political party and prescribe minimum numerical thresholds for recognition. They do not provide any mechanism for recognition of a faction operating in opposition to the leadership and authority of the political party

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SHIVSENA (Uddhav Balasaheb Thackeray)
Parliamentary Party

from which such members claim to derive their mandate. The reported request therefore finds no support in the Directions governing parliamentary procedure either.

In these circumstances, I respectfully request that:

- (i) this representation be taken on record;
- (ii) the Shiv Sena (Uddhav Balasaheb Thackeray) continue to be recognised as a single political party represented in the House through its duly authorised leader and whip, and that no separate recognition, status, privilege or facility be accorded to any purported faction or breakaway group claiming to represent the party;
- (iii) no decision be taken on any such request, if received, without first affording the Shiv Sena (Uddhav Balasaheb Thackeray) an opportunity to place its submissions before your office.

The party further reserves all rights available to it in law, including the right to invoke the provisions of the Tenth Schedule and pursue such remedies as may be necessary in relation to any conduct inconsistent with the constitutional principles referred to above.

I thank you for your consideration.

Yours sincerely,



Arvind Ganpat Sawant

- Leader, Shiv Sena (Uddhav Balasaheb Thackeray)
Parliamentary Party, Lok Sabha
- Member of Parliament (Lok Sabha), Mumbai South
- Leader, Shiv Sena (Uddhav Balasaheb Thackeray)

LOK SABHA SECRETARIATPARLIAMENT HOUSE
NEW DELHI-110 001**Dated the 22nd June, 2026****LAFEAS-TO-B050/5/2026-TO(B)**

From

Santosh Kumar,
Joint Secretary

To

Shri Arvind Ganpat Sawant, MP
& Leader of Shiv Sena (UBT) in Lok Sabha

Sir,

With reference to your letter dated 16th June, 2026 addressed to Hon'ble Speaker, Lok Sabha wherein you have requested for an opportunity to be heard in the matter referred to in your letter.

2. In this connection, it is intimated that Hon'ble Speaker, Lok Sabha has kindly acceded to your request.

3. Accordingly, you are requested to present your case before Hon'ble Speaker, Lok Sabha in his official Chamber in Parliament House of India on 24th June, 2026 at 5 P.M.

Yours sincerely,


(JOINT SECRETARY)
Tel. No. 011-23082218
TRUE COPY

Date : Tuesday, 23 June 2026

To

The Joint Secretary

Lok Sabha Secretariat

Parliament House

New Delhi – 110001.

**Subject : Request for directions regarding the Personal Hearing
before Hon'ble Speaker, Lok Sabha**

Dear Santosh Kumar ji,

I acknowledge receipt of your letter No. **LAFEAS-TO-B050/5/2026-TO(B)** dated 22 June 2026, conveying the kind approval of Hon'ble Speaker, Lok Sabha to grant me an opportunity to present my case and requesting my presence in his official Chamber on 24th June 2026 at 5:00 P.M.

At the outset, I express my sincere gratitude to Hon'ble Speaker, Lok Sabha, for acceding to my request.

However, I am currently on an official tour as a Member of the Parliamentary Standing Committee on External Affairs till evening 25th June 2026. Consequently and my attendance at the aforesaid date and time would necessitate my discontinuing the Committee's ongoing programme and returning solely for the purpose of attending the hearing.

In these circumstances, I respectfully place the matter before the Hon'ble Speaker for such directions as may be considered appropriate. Should the Hon'ble Speaker nevertheless desire my presence on 24th June 2026, compelling me to abandon my official duty as a member of the Committee, I shall make every effort to comply with the directions. Alternatively, if the Hon'ble Speaker deems appropriate, the hearing may kindly be rescheduled to any other date and time convenient to the Hon'ble Speaker.

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SHIVSENA (Uddhav Balasaheb Thackeray)
Parliamentary Party

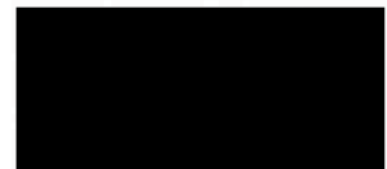
I would further request that, in order to enable me to make appropriate and effective submissions before the Hon'ble Speaker, copies of any representations, communications, memoranda or correspondence received from any Member of Parliament belonging to the Shiv Sena (Uddhav Balasaheb Thackeray) party concerning any alleged merger, any request for separate recognition, or any other communications having a bearing on the status, functioning, or representation of the Shiv Sena (Uddhav Balasaheb Thackeray) Party in Parliament, may kindly be furnished to me at the earliest convenience.

I would also like to reiterate, as already stated in my letter dated 16th June 2026, that there is no proposal, intention, understanding or plan whatsoever for the merger of the Shiv Sena (Uddhav Balasaheb Thackeray) with any other political party. Nor is any such proposal under consideration presently or contemplated in the future. Reports and speculation appearing in certain sections of the media regarding any purported merger are patently false, baseless and devoid of any factual foundation.

Such reports appear to be motivated and self-serving narratives propagated by vested interests with the apparent objective of creating confusion and misleading the public and concerned constitutional authorities.

I regret any inconvenience caused by my request and shall be grateful for a favourable consideration.

Yours sincerely,



Arvind Ganpat Sawant

- Leader, Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party, Lok Sabha
- Member of Parliament (Lok Sabha), Mumbai South
- Leader, Shiv Sena (Uddhav Balasaheb Thackeray)



TRUE COPY

SHIVSENA (Uddhav Balasaheb Thackeray)

Parliamentary Party

Date: 24th June, 2026

Shri. Om Birlaji,
The Hon'ble Speaker
Lok Sabha, New Delhi.

Respected Sir,
Jai Hind!

I am writing to you apropos the letter dated 22 June 2026, whereby I have been granted an opportunity to present my case and requested to remain present in your official Chamber on 24th June 2026. The opportunity has been granted in view of my letter dated 16th June 2026, wherein I had, inter alia, informed that there has been no merger of Shiv Sena (Uddhav Balasaheb Thackeray) with any other political party, and requested that no decision be taken on any request of the Members of Parliament elected on the symbol of the Shiv Sena (Uddhav Balasaheb Thackeray) seeking recognition as a separate group or a merger with another political party within the Lok Sabha.

In this regard, I am enclosing herewith (**Annexure A**) my brief submissions for your kind consideration on the following aspects:

- (i) Paragraph 4 of the Tenth Schedule to the Constitution of India merely gives an option to the legislators to accept or reject a merger of the original political party. It does not confer upon them the authority to bring about such merger.
- (ii) Paragraph 4 contemplates two distinct stages. *First*, there must be a merger of the 'original political party'. *Second*, members of the legislature party are presented with a choice whether to accept or not accept such merger. The protection against disqualification becomes available if the statutory requirements stipulated in Paragraph 4 are satisfied.

The aforesaid position also stands reinforced by the Constitution Bench judgment of the Hon'ble Supreme Court in **Subhash Desai v. State of Maharashtra**, (2024) 2 SCC 719, wherein the Hon'ble Supreme Court has categorically held that the Tenth Schedule would become unworkable if the term

SHIVSENA (Uddhav Balasaheb Thackeray)

Parliamentary Party

“political party” is read as the “legislature party” (**Para 114.1**), and that the concept of legislature party is not recognised by the Symbols Order (**Para 109.2**).

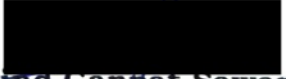
It is submitted that in furtherance of my letter dated 16th June 2026, Shri Uddhav Balasaheb Thackeray, in his capacity as the Paksha Pramukh (President) of Shiv Sena (Uddhav Balasaheb Thackeray), has also, vide his letter dated 24th June 2026, communicated to your office that the Shiv Sena (Uddhav Balasaheb Thackeray) party has neither initiated nor considered any proposal for merger with any other political party. A copy of Shri Uddhav Balasaheb Thackeray’s letter dated 24th June 2026 is enclosed herewith as **Annexure B**.

Thus, in the absence of any merger of the original political party, any request for recognition of a merger made by certain Members of Parliament elected on the symbol of the Shiv Sena (Uddhav Balasaheb Thackeray) deserves to be rejected, as any recognition thereof would be contrary to the plain text of Paragraph 4.

I would like to highlight that in my letter dated 23rd June 2026 I had, inter alia, requested that the copies of any representation/correspondence having a bearing on the status, functioning, or representation of the Shiv Sena (Uddhav Balasaheb Thackeray) party in the Parliament be furnished to me at the earliest. However, no such representation or correspondence has been furnished to me till date. I would respectfully request that the same be made available to me during the hearing. I further request that, in the event any such document is furnished during the course of the hearing, I may be granted a reasonable opportunity to examine the same and make submissions thereon before any decision in the matter.

I remain grateful for the opportunity granted and respectfully request consideration of the above submissions.

Yours sincerely,


Arvind Ganpat Sawant

- Leader, Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party, Lok Sabha
- Member of Parliament (Lok Sabha), Mumbai South
- Leader, Shiv Sena (Uddhav Balasaheb Thackeray)

BEFORE THE HON'BLE SPEAKER
LOK SABHA

BRIEF SUBMISSIONS OF MR. ARVIND SAWANT, MEMBER OF
PARLIAMENT (LOK SABHA) – SHIV SENA (UDDHAV BALASAHEB
THACKERAY)

I. LEGISLATURE PARTY HAS NO INDEPENDENT EXISTENCE AND THE
LEGISLATORS CANNOT INDEPENDENTLY MERGE WITH A POLITICAL
PARTY

1. It is submitted that the distinction between a “political party” and a “legislature party” is no longer *res integra*, and has been authoritatively settled by the Hon’ble Supreme Court in *Subhash Desai v. State of Maharashtra*, (2024) 2 SCC 719, wherein the Hon’ble Supreme Court has categorically held that “political party” and “legislature party” cannot be conflated. (Para 109) The Hon’ble Supreme Court, in para 109.1, further held as follows:

The Tenth Schedule confers legitimacy to the actions of the legislators which would otherwise lead to disqualification if a substantial number of legislators (two-thirds in the case of a merger, and one-third in the case of the erstwhile provision for a split) disagree with the political party. The Tenth Schedule recognises the independent existence of the legislature party to the limited extent of presenting a defence to the actions of the legislators which would otherwise have amounted to defection

2. Furthermore, the following observations of the Hon’ble Supreme Court are relevant for the present case:
 - a. the concept of legislature party is not recognised by the Symbols Order. (Para 109.2)
 - b. The Tenth Schedule would become unworkable if the term “political party” is read as the “legislature party”. (Para 114.1)
 - c. A clear demarcation is made between political party and legislature party for the purpose of a merger under Para 4, which stipulates that two-thirds of the members of the *legislature party* must have agreed to

a merger of the *original political party* before such a merger can be deemed to have taken place. To read the term “political party” as “legislature party” would be contrary to the plain language of the Tenth Schedule. **(Para 114.1)**

- d. To hold that it is the legislature party which appoints the Whip would be to sever the figurative umbilical cord which connects a Member of the House to the political party. It would mean that legislators could rely on the political party for the purpose of setting them up for election, that their campaign would be based on the strengths (and weaknesses) of the political party and its promises and policies, that they could appeal to the voters on the basis of their affiliation with the party, but that they can later disconnect themselves entirely from that very party and be able to function as a group of MLAs which no longer owes even a hint of allegiance to the political party. This is not the system of governance that is envisaged by the Constitution. In fact, the Tenth Schedule guards against precisely this outcome. **(Para 119)**

3. In view of the aforesaid, it is submitted that the legislature party of Shiv Sena (Uddhav Balasaheb Thackeray) has no independent existence, and cannot merely on the basis of numerical strength, assume the authority which vests with the political party. The members of a legislature party cannot assume unto themselves the authority to take a decision regarding merger of the political party into another political party. Any contrary interpretation will be in teeth of the law laid down by the Hon’ble Supreme Court in *Subhash Desai*.

II. PARAGRAPH 4 MERELY GIVES LEGISLATORS AN OPTION TO ACCEPT OR REJECT A MERGER OF THE ORIGINAL POLITICAL PARTY

4. It is submitted that Paragraph 4 of the Tenth Schedule to the Constitution of India merely gives an option to the legislators to accept or reject a merger of the original political party. It does not confer upon them the authority to bring about such merger.

5. It is submitted that a perusal of paragraph 4 would show that it contemplates two distinct stages; *First*, there must be a merger of the ‘original political party’. *Second*, members of the legislature party are presented with a choice whether to accept or not accept such merger.
6. It is submitted that the protection against disqualification becomes available if the statutory requirements stipulated in Paragraph 4 are satisfied. The provision merely recognises a pre-existing merger of the ‘original political party’, and regulates the consequences for members of the legislature party. It does not in any manner confer upon legislators the authority to create a merger of the ‘original political party’ itself.

III. ANY VIEW CONTRARY TO THE CONSTITUTION BENCH JUDGMENT IN SUBHASH DESAI IS IMPERMISSIBLE

7. It is submitted that in view of an authoritative pronouncement by a Constitution Bench of Hon’ble Supreme Court on the relationship between the ‘political party’ and the ‘legislature party’, and the limited role of the ‘legislature party’, any contrary view expressed by any High Court would be in direct conflict with the law declared by the Hon’ble Supreme Court under Article 141 of the Constitution of India. Such a view cannot prevail and cannot be relied upon insofar as it is inconsistent with the Constitution Bench judgment in *Subhash Desai*.
8. It is, therefore, respectfully submitted that in the absence of any merger of the original political party, the foundational requirement for invoking Paragraph 4 of the Tenth Schedule is absent. Accordingly, any request for recognition of a merger made by certain Members of Parliament elected on the symbol of the Shiv Sena (Uddhav Balasaheb Thackeray) deserves to be rejected, as any recognition thereof would be contrary to the plain text of Paragraph 4 and the law declared by the Constitution Bench in *Subhash Desai*.



Wednesday, 24 June 2026

To,
The Hon'ble Speaker
Lok Sabha
New Delhi

Subject: Clarification regarding media reports of an alleged merger of the Shiv Sena (Uddhav Balasaheb Thackeray) party.

Respected Om Birla ji,

I writing to you in my capacity as the Paksha Pramukh (President) of the Shiv Sena (Uddhav Balasaheb Thackeray) party. At the outset, I wish to place on record that certain reports appearing in sections of the media regarding an alleged merger of Shiv Sena (Uddhav Balasaheb Thackeray) with another political party are wholly unfounded, incorrect and patently false.

The Shiv Sena (Uddhav Balasaheb Thackeray) party has neither initiated nor considered any proposal for merger with any other political party. I wish to categorically state that there is no such plan or proposal for merger under consideration at present, nor is any such course contemplated in the future.

I request that this letter be taken on record and would appreciate your kind acknowledgement of the same. I thank you for your consideration.

Yours sincerely,



Uddhav Balasaheb Thackeray
Paksha Pramukh (President),
Shiv Sena (Uddhav Balasaheb Thackeray)



TRUE COPY

Date: 13th July, 2026

To,

Shri. Bhausahab Wakchaure,

Member of Parliament (Lok Sabha)

Shirdi Constituency

**Subject: No merger of Shiv Sena (Uddhav Balasaheb Thackeray)
with any political party**

Respected Shri. Bhausahab Wakchaure,

1. I am addressing this communication to you in my capacity as the Leader of the **Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party** in the Lok Sabha, and on behalf of the **Shiv Sena (Uddhav Balasaheb Thackeray)** (“the Party”), being the original political party on whose symbol, mandate and support you stand elected as a Member of the Lok Sabha.
2. As you were aware, you were given a ticket by **Shiv Sena (Uddhav Balasaheb Thackeray)** political party in the 2024 Lok Sabha elections. The people of your constituency reposing faith in the leadership of Shri Uddhav Balasaheb Thackeray ji elected you through the name and Symbol of **Shiv Sena (Uddhav Balasaheb Thackeray)**. The election was fought *inter alia* against the candidates set up by Shiv Sena led by Shri Eknath Shinde.
3. It has come to our knowledge through reports in public domain that you, along with certain other Members of Parliament are attempting to portray that there is a ‘merger’ of **Shiv Sena (Uddhav Balasaheb Thackeray)** with the Shiv Sena headed by Shri Eknath Shinde. It is also learnt that you had approached the Hon’ble

Speaker, Lok Sabha, claiming that you have merged — or seeking recognition of this purported ‘merger’.

4. At the outset, it is made clear that Shiv Sena (Uddhav Balasaheb Thackeray), being the original political party, has **neither initiated, agreed to, nor permitted** any merger with the Shiv Sena headed by Shri Eknath Shinde, or with any other political party whatsoever. This position has been categorically affirmed by Shri Uddhav Balasaheb Thackeray, Paksha Pramukh (President) of the Party. In the absence of any merger of the original political party, no question of any merger of the legislature party. Further **no such merger is permissible or contemplated in law**. Paragraph 4 of the Tenth Schedule to the Constitution of India merely affords the legislators an option to accept or reject a merger of the *original political party*; it does not confer upon the members of the legislature party any authority to themselves independently bring about, or effect, such a merger.
5. The Party has already, by its representation(s) made to the Hon’ble Speaker, Lok Sabha, **requested that no request seeking recognition of any merger — or of any separate group — made by any Member of Parliament elected on the symbol of the Shiv Sena (Uddhav Balasaheb Thackeray) be entertained**. Pursuant thereto, the Hon’ble Speaker was pleased to afford an **opportunity of hearing** to the duly authorised representative of the Party, which opportunity was availed. It is a matter of record that, thereafter, the **Hon’ble Speaker has not passed any order recognising any claim of merger**.

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SHIVSENA (Uddhav Balasaheb Thackeray)
Parliamentary Party

6. This letter is issued without prejudice to the rights, contentions and remedies of Shiv Sena (Uddhav Balasaheb Thackeray) political party, all of which are expressly reserved.

Yours faithfully,



Arvind Ganpat Sawant

- Leader, Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party, Lok Sabha
- Member of Parliament (Lok Sabha), Mumbai South
- Leader, Shiv Sena (Uddhav Balasaheb Thackeray)

Copy to:

- The Hon'ble Speaker, Lok Sabha, Parliament House, New Delhi – 110001 — *for kind information and record*, and with the request that the contents hereof be noted in connection with the Party's representations already on record opposing any recognition of a merger.


TRUE COPY

Date: 13th July, 2026

To,

Shri. Nagesh Patil Ashtikar,

Member of Parliament (Lok Sabha)

Hingoli Constituency

**Subject: No merger of Shiv Sena (Uddhav Balasaheb Thackeray)
with any political party**

Respected Shri. Nagesh Patil Ashtikar,

1. I am addressing this communication to you in my capacity as the Leader of the **Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party** in the Lok Sabha, and on behalf of the **Shiv Sena (Uddhav Balasaheb Thackeray)** (“the Party”), being the original political party on whose symbol, mandate and support you stand elected as a Member of the Lok Sabha.
2. As you were aware, you were given a ticket by **Shiv Sena (Uddhav Balasaheb Thackeray)** political party in the 2024 Lok Sabha elections. The people of your constituency reposing faith in the leadership of Shri Uddhav Balasaheb Thackeray ji elected you through the name and Symbol of **Shiv Sena (Uddhav Balasaheb Thackeray)**. The election was fought *inter alia* against the candidates set up by Shiv Sena led by Shri Eknath Shinde.
3. It has come to our knowledge through reports in public domain that you, along with certain other Members of Parliament are attempting to portray that there is a ‘merger’ of **Shiv Sena (Uddhav Balasaheb Thackeray)** with the Shiv Sena headed by Shri Eknath Shinde. It is also learnt that you had approached the Hon’ble

Speaker, Lok Sabha, claiming that you have merged — or seeking recognition of this purported ‘merger’.

4. At the outset, it is made clear that Shiv Sena (Uddhav Balasaheb Thackeray), being the original political party, has **neither initiated, agreed to, nor permitted** any merger with the Shiv Sena headed by Shri Eknath Shinde, or with any other political party whatsoever. This position has been categorically affirmed by Shri Uddhav Balasaheb Thackeray, Paksha Pramukh (President) of the Party. In the absence of any merger of the original political party, no question of any merger of the legislature party. Further **no such merger is permissible or contemplated in law**. Paragraph 4 of the Tenth Schedule to the Constitution of India merely affords the legislators an option to accept or reject a merger of the *original political party*; it does not confer upon the members of the legislature party any authority to themselves independently bring about, or effect, such a merger.
5. The Party has already, by its representation(s) made to the Hon’ble Speaker, Lok Sabha, **requested that no request seeking recognition of any merger — or of any separate group — made by any Member of Parliament elected on the symbol of the Shiv Sena (Uddhav Balasaheb Thackeray) be entertained**. Pursuant thereto, the Hon’ble Speaker was pleased to afford an **opportunity of hearing** to the duly authorised representative of the Party, which opportunity was availed. It is a matter of record that, thereafter, the **Hon’ble Speaker has not passed any order recognising any claim of merger**.

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SHIVSENA (Uddhav Balasaheb Thackeray)
Parliamentary Party

6. This letter is issued without prejudice to the rights, contentions and remedies of Shiv Sena (Uddhav Balasaheb Thackeray) political party, all of which are expressly reserved.

Yours faithfully,



Arvind Ganpat Sawant

- Leader, Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party, Lok Sabha
- Member of Parliament (Lok Sabha), Mumbai South
- Leader, Shiv Sena (Uddhav Balasaheb Thackeray)

Copy to:

- The Hon'ble Speaker, Lok Sabha, Parliament House, New Delhi – 110001 — *for kind information and record*, and with the request that the contents hereof be noted in connection with the Party's representations already on record opposing any recognition of a merger.



TRUE COPY

Date: 13th July, 2026

To,

Shri. Omprakash Raje Nimbalkar,

Member of Parliament (Lok Sabha)

Dharashiv (Osmanabad) Constituency

**Subject: No merger of Shiv Sena (Uddhav Balasaheb Thackeray)
with any political party**

Respected Shri. Omprakash Raje Nimbalkar,

1. I am addressing this communication to you in my capacity as the Leader of the **Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party** in the Lok Sabha, and on behalf of the **Shiv Sena (Uddhav Balasaheb Thackeray)** (“the Party”), being the original political party on whose symbol, mandate and support you stand elected as a Member of the Lok Sabha.
2. As you were aware, you were given a ticket by **Shiv Sena (Uddhav Balasaheb Thackeray)** political party in the 2024 Lok Sabha elections. The people of your constituency reposing faith in the leadership of Shri Uddhav Balasaheb Thackeray ji elected you through the name and Symbol of **Shiv Sena (Uddhav Balasaheb Thackeray)**. The election was fought *inter alia* against the candidates set up by Shiv Sena led by Shri Eknath Shinde.
3. It has come to our knowledge through reports in public domain that you, along with certain other Members of Parliament are attempting to portray that there is a ‘merger’ of **Shiv Sena (Uddhav Balasaheb Thackeray)** with the Shiv Sena headed by Shri Eknath Shinde. It is also learnt that you had approached the Hon’ble

Speaker, Lok Sabha, claiming that you have merged — or seeking recognition of this purported ‘merger’.

4. At the outset, it is made clear that Shiv Sena (Uddhav Balasaheb Thackeray), being the original political party, has **neither initiated, agreed to, nor permitted** any merger with the Shiv Sena headed by Shri Eknath Shinde, or with any other political party whatsoever. This position has been categorically affirmed by Shri Uddhav Balasaheb Thackeray, Paksha Pramukh (President) of the Party. In the absence of any merger of the original political party, no question of any merger of the legislature party. Further **no such merger is permissible or contemplated in law**. Paragraph 4 of the Tenth Schedule to the Constitution of India merely affords the legislators an option to accept or reject a merger of the *original political party*; it does not confer upon the members of the legislature party any authority to themselves independently bring about, or effect, such a merger.
5. The Party has already, by its representation(s) made to the Hon’ble Speaker, Lok Sabha, **requested that no request seeking recognition of any merger — or of any separate group — made by any Member of Parliament elected on the symbol of the Shiv Sena (Uddhav Balasaheb Thackeray) be entertained**. Pursuant thereto, the Hon’ble Speaker was pleased to afford an **opportunity of hearing** to the duly authorised representative of the Party, which opportunity was availed. It is a matter of record that, thereafter, the **Hon’ble Speaker has not passed any order recognising any claim of merger**.

61
SHIVSENA (Uddhav Balasaheb Thackeray)
Parliamentary Party

6. This letter is issued without prejudice to the rights, contentions and remedies of Shiv Sena (Uddhav Balasaheb Thackeray) political party, all of which are expressly reserved.

Yours faithfully,



Arvind Ganpat Sawant

- Leader, Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party, Lok Sabha
- Member of Parliament (Lok Sabha), Mumbai South
- Leader, Shiv Sena (Uddhav Balasaheb Thackeray)

Copy to:

- The Hon'ble Speaker, Lok Sabha, Parliament House, New Delhi – 110001 — *for kind information and record*, and with the request that the contents hereof be noted in connection with the Party's representations already on record opposing any recognition of a merger.


TRUE COPY

Date: 13th July, 2026

To,

Shri. Sanjay Bandu Jadhav,

Member of Parliament (Lok Sabha)

Parbhani Constituency

**Subject: No merger of Shiv Sena (Uddhav Balasaheb Thackeray)
with any political party**

Respected Shri. Sanjay Bandu Jadhav,

1. I am addressing this communication to you in my capacity as the Leader of the **Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party** in the Lok Sabha, and on behalf of the **Shiv Sena (Uddhav Balasaheb Thackeray)** (“the Party”), being the original political party on whose symbol, mandate and support you stand elected as a Member of the Lok Sabha.
2. As you were aware, you were given a ticket by **Shiv Sena (Uddhav Balasaheb Thackeray)** political party in the 2024 Lok Sabha elections. The people of your constituency reposing faith in the leadership of Shri Uddhav Balasaheb Thackeray ji elected you through the name and Symbol of **Shiv Sena (Uddhav Balasaheb Thackeray)**. The election was fought *inter alia* against the candidates set up by Shiv Sena led by Shri Eknath Shinde.
3. It has come to our knowledge through reports in public domain that you, along with certain other Members of Parliament are attempting to portray that there is a ‘merger’ of **Shiv Sena (Uddhav Balasaheb Thackeray)** with the Shiv Sena headed by Shri Eknath Shinde. It is also learnt that you had approached the Hon’ble

Speaker, Lok Sabha, claiming that you have merged — or seeking recognition of this purported ‘merger’.

4. At the outset, it is made clear that Shiv Sena (Uddhav Balasaheb Thackeray), being the original political party, has **neither initiated, agreed to, nor permitted** any merger with the Shiv Sena headed by Shri Eknath Shinde, or with any other political party whatsoever. This position has been categorically affirmed by Shri Uddhav Balasaheb Thackeray, Paksha Pramukh (President) of the Party. In the absence of any merger of the original political party, no question of any merger of the legislature party. Further **no such merger is permissible or contemplated in law**. Paragraph 4 of the Tenth Schedule to the Constitution of India merely affords the legislators an option to accept or reject a merger of the *original political party*; it does not confer upon the members of the legislature party any authority to themselves independently bring about, or effect, such a merger.
5. The Party has already, by its representation(s) made to the Hon’ble Speaker, Lok Sabha, **requested that no request seeking recognition of any merger — or of any separate group — made by any Member of Parliament elected on the symbol of the Shiv Sena (Uddhav Balasaheb Thackeray) be entertained**. Pursuant thereto, the Hon’ble Speaker was pleased to afford an **opportunity of hearing** to the duly authorised representative of the Party, which opportunity was availed. It is a matter of record that, thereafter, the **Hon’ble Speaker has not passed any order recognising any claim of merger**.

64
SHIVSENA (Uddhav Balasaheb Thackeray)
Parliamentary Party

6. This letter is issued without prejudice to the rights, contentions and remedies of Shiv Sena (Uddhav Balasaheb Thackeray) political party, all of which are expressly reserved.

Yours faithfully,



Arvind Ganpat Sawant

- Leader, Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party, Lok Sabha
- Member of Parliament (Lok Sabha), Mumbai South
- Leader, Shiv Sena (Uddhav Balasaheb Thackeray)

Copy to:

- The Hon'ble Speaker, Lok Sabha, Parliament House, New Delhi – 110001 — *for kind information and record*, and with the request that the contents hereof be noted in connection with the Party's representations already on record opposing any recognition of a merger.



TRUE COPY

Date: 13th July, 2026

To,

Shri. Sanjay Deshmukh,

Member of Parliament (Lok Sabha)

Yavatmal-Washim Constituency

**Subject: No merger of Shiv Sena (Uddhav Balasaheb Thackeray)
with any political party**

Respected Shri. Sanjay Deshmukh,

1. I am addressing this communication to you in my capacity as the Leader of the **Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party** in the Lok Sabha, and on behalf of the **Shiv Sena (Uddhav Balasaheb Thackeray)** (“the Party”), being the original political party on whose symbol, mandate and support you stand elected as a Member of the Lok Sabha.
2. As you were aware, you were given a ticket by **Shiv Sena (Uddhav Balasaheb Thackeray)** political party in the 2024 Lok Sabha elections. The people of your constituency reposing faith in the leadership of Shri Uddhav Balasaheb Thackeray ji elected you through the name and Symbol of **Shiv Sena (Uddhav Balasaheb Thackeray)**. The election was fought *inter alia* against the candidates set up by Shiv Sena led by Shri Eknath Shinde.
3. It has come to our knowledge through reports in public domain that you, along with certain other Members of Parliament are attempting to portray that there is a ‘merger’ of **Shiv Sena (Uddhav Balasaheb Thackeray)** with the Shiv Sena headed by Shri Eknath Shinde. It is also learnt that you had approached the Hon’ble

Speaker, Lok Sabha, claiming that you have merged — or seeking recognition of this purported ‘merger’.

4. At the outset, it is made clear that Shiv Sena (Uddhav Balasaheb Thackeray), being the original political party, has **neither initiated, agreed to, nor permitted** any merger with the Shiv Sena headed by Shri Eknath Shinde, or with any other political party whatsoever. This position has been categorically affirmed by Shri Uddhav Balasaheb Thackeray, Paksha Pramukh (President) of the Party. In the absence of any merger of the original political party, no question of any merger of the legislature party. Further **no such merger is permissible or contemplated in law**. Paragraph 4 of the Tenth Schedule to the Constitution of India merely affords the legislators an option to accept or reject a merger of the *original political party*; it does not confer upon the members of the legislature party any authority to themselves independently bring about, or effect, such a merger.
5. The Party has already, by its representation(s) made to the Hon’ble Speaker, Lok Sabha, **requested that no request seeking recognition of any merger — or of any separate group — made by any Member of Parliament elected on the symbol of the Shiv Sena (Uddhav Balasaheb Thackeray) be entertained**. Pursuant thereto, the Hon’ble Speaker was pleased to afford an **opportunity of hearing** to the duly authorised representative of the Party, which opportunity was availed. It is a matter of record that, thereafter, the **Hon’ble Speaker has not passed any order recognising any claim of merger**.

67
SHIVSENA (Uddhav Balasaheb Thackeray)
Parliamentary Party

6. This letter is issued without prejudice to the rights, contentions and remedies of Shiv Sena (Uddhav Balasaheb Thackeray) political party, all of which are expressly reserved.

Yours faithfully,



Arvind Ganpat Sawant

- Leader, Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party, Lok Sabha
- Member of Parliament (Lok Sabha), Mumbai South
- Leader, Shiv Sena (Uddhav Balasaheb Thackeray)

Copy to:

- The Hon'ble Speaker, Lok Sabha, Parliament House, New Delhi – 110001 — *for kind information and record*, and with the request that the contents hereof be noted in connection with the Party's representations already on record opposing any recognition of a merger.



TRUE COPY

Date: 13th July, 2026

To,

Shri. Sanjay Dina Patil,

Member of Parliament (Lok Sabha)

Mumbai North East Constituency

**Subject: No merger of Shiv Sena (Uddhav Balasaheb Thackeray)
with any political party**

Respected Shri. Sanjay Dina Patil,

1. I am addressing this communication to you in my capacity as the Leader of the **Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party** in the Lok Sabha, and on behalf of the **Shiv Sena (Uddhav Balasaheb Thackeray)** (“the Party”), being the original political party on whose symbol, mandate and support you stand elected as a Member of the Lok Sabha.
2. As you were aware, you were given a ticket by **Shiv Sena (Uddhav Balasaheb Thackeray)** political party in the 2024 Lok Sabha elections. The people of your constituency reposing faith in the leadership of Shri Uddhav Balasaheb Thackeray ji elected you through the name and Symbol of **Shiv Sena (Uddhav Balasaheb Thackeray)**. The election was fought *inter alia* against the candidates set up by Shiv Sena led by Shri Eknath Shinde.
3. It has come to our knowledge through reports in public domain that you, along with certain other Members of Parliament are attempting to portray that there is a ‘merger’ of **Shiv Sena (Uddhav Balasaheb Thackeray)** with the Shiv Sena headed by Shri Eknath Shinde. It is also learnt that you had approached the Hon’ble

Speaker, Lok Sabha, claiming that you have merged — or seeking recognition of this purported ‘merger’.

4. At the outset, it is made clear that Shiv Sena (Uddhav Balasaheb Thackeray), being the original political party, has **neither initiated, agreed to, nor permitted** any merger with the Shiv Sena headed by Shri Eknath Shinde, or with any other political party whatsoever. This position has been categorically affirmed by Shri Uddhav Balasaheb Thackeray, Paksha Pramukh (President) of the Party. In the absence of any merger of the original political party, no question of any merger of the legislature party. Further **no such merger is permissible or contemplated in law**. Paragraph 4 of the Tenth Schedule to the Constitution of India merely affords the legislators an option to accept or reject a merger of the *original political party*; it does not confer upon the members of the legislature party any authority to themselves independently bring about, or effect, such a merger.
5. The Party has already, by its representation(s) made to the Hon’ble Speaker, Lok Sabha, **requested that no request seeking recognition of any merger — or of any separate group — made by any Member of Parliament elected on the symbol of the Shiv Sena (Uddhav Balasaheb Thackeray) be entertained**. Pursuant thereto, the Hon’ble Speaker was pleased to afford an **opportunity of hearing** to the duly authorised representative of the Party, which opportunity was availed. It is a matter of record that, thereafter, the **Hon’ble Speaker has not passed any order recognising any claim of merger**.

6. This letter is issued without prejudice to the rights, contentions and remedies of Shiv Sena (Uddhav Balasaheb Thackeray) political party, all of which are expressly reserved.

Yours faithfully,



Arvind Ganpat Sawant

- Leader, Shiv Sena (Uddhav Balasaheb Thackeray) Parliamentary Party, Lok Sabha
- Member of Parliament (Lok Sabha), Mumbai South
- Leader, Shiv Sena (Uddhav Balasaheb Thackeray)

Copy to:

- The Hon'ble Speaker, Lok Sabha, Parliament House, New Delhi – 110001 — *for kind information and record*, and with the request that the contents hereof be noted in connection with the Party's representations already on record opposing any recognition of a merger.



TRUE COPY

IN THE SUPREME COURT OF INDIA

CIVIL ORDINARY JURISDICTION

WRIT PETITION (C) NO. _____ OF 2026

IN THE MATTER OF:

ARVIND GANPAT SAWANT

...PETITIONER

VERSUS

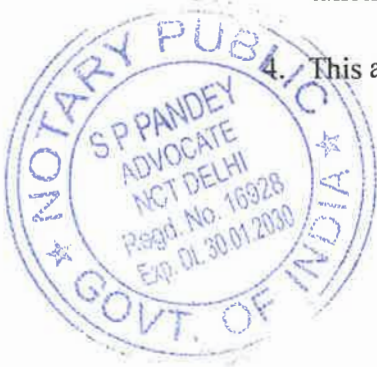
HON'BLE SPEAKER, LOK SABHA & ORS.

... RESPONDENTS

AFFIDAVIT OF URGENCY ON BEHALF OF THE PETITIONER

I, Arvind Ganpat Sawant, S/o Late Sh. Ganpat Pandurang Sawant, aged about 74 years, Resident of 15, Pandit Pant Marg, New Delhi- 110001, do hereby solemnly affirm and state on oath as follows: -

1. That I am the Petitioner in the present Writ Petition. I am well conversant with the facts of the case and thus competent to swear and affirm to this affidavit.
2. It is respectfully submitted that there is extreme urgency in the present matter. By way of the impugned circular dated 18.07.2026, the Joint Secretary, Lok Sabha Secretariat, has unlawfully recognised the change in party affiliation of six MPs of Shiv Sena (Uddhav Balasaheb Thackeray), and they are now shown as part of the rival Shivsena led by Sh. Eknath Shinde. The impugned circular will have the effect of permitting 6 MPs of Shivsena (UBT) to function in the house as members of Shivsena.
3. The urgency in the present petition arises from the fact that the Monsoon Session of Parliament has commenced on 20.07.2026. The impugned circular prejudicially affects the composition and legislative weight of the Shivsena (UBT) inside the House during the pendency of the present petition. Each passing day allows Respondent Nos. 3-8 to violate the electoral mandate in their favour and fraudulently function as part of a rival political party.
4. This arrangement is anti-democratic and directly subverts the constitutional scheme.



Therefore, it is respectfully submitted that there is urgent need to list and consider the present Writ Petition on merits.


DEPONENT

VERIFICATION:

I, the deponent above named do hereby verify that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed therefrom.

 Verified at

on this the 20th day of July, 2026.


DEPONENT

I identify the deponent who has signed in my presence
ATTESTED


NOTARY PUBLIC
DELHI (INDIA)



Entry in Notary Register

No. 1300/c Page 49

Date 20 JUL 2026

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDCITION**

I.A. NO. _____ OF 2026

IN

WRIT PETITION (CIVIL) NO. _____ OF 2026

BETWEEN:

ARVIND GANPAT SAWANT

...PETITIONER

VERSUS

HON'BLE SPEAKER, LOK SABHA & ORS.

...RESPONDENTS

APPLICATION FOR INTERIM RELIEF

MOST RESPECTFULLY SHEWETH:

1. The Petitioner has filed the present writ petition challenging the ex-facie unconstitutional circular dated 18.07.2026 issued by the Joint Secretary, Lok Sabha Secretariat, which recognises the change in party affiliation of six Members of Parliament of Shiv Sena (Uddhav Balasaheb Thackeray).
2. The impugned circular recognises the unlawful betrayal of the electorate's faith by Respondent Nos. 3 to 8, who within 2 years of their election, have claimed to 'merge' in the rival political party of Shiv Sena led by Sh. Eknath Shinde. Such attempt at merger through unilateral claims of legislators, in defiance of their parent political party is without any constitutional or legal sanction. Such action is a blatant affront to the very concept of parliamentary democracy enshrined in the Constitution which is based on the functioning of political parties.
3. It is respectfully submitted that the impugned circular amounts to a constitutional hara-kiri, and weakens the very foundation of our parliamentary democracy. In fact, the present case is a stark example of the prevailing constitutional crisis surrounding functioning of political parties in Parliament and in State Legislative Assemblies.

4. It is submitted that parliamentary democracy being a part of the basic structure of our Constitution, it is imperative for this Hon'ble Court as the sentinel on the qui vive to save our democracy from the political machinations of the Respondents.
5. It is pertinent to state that the impugned circular has been issued by the Joint Secretary, Lok Sabha Secretariat. The circular states that “[c]onsequent upon the change in party affiliation of 6 Members of Shiv Sena (UBT) in Lok Sabha, the revised Party Position in Eighteenth Lok Sabha, as on 18.07.2026 is enclosed”. It is not made clear whether the purported ‘change in party affiliation’ is emanating from an order or direction passed by the Hon'ble Speaker, or whether the said change is recognised by the Lok Sabha Secretariat without any order of the Hon'ble Speaker in that regard.
6. In either case, it is submitted that such a change is illegal, unconstitutional, and beyond the powers, responsibilities, and functions of the Hon'ble Speaker of Lok Sabha as well as the Lok Sabha Secretariat.
7. Further, the impugned circular has been issued, without the Petitioner ever having been provided with a copy of the communication/representation submitted by Respondent Nos. 3 to 8 seeking recognition of merger with the Shiv Sena led by Sh. Eknath Shinde. The Petitioner made written requests vide letters dated 23.06.2026 and 24.06.2026, and also orally requested the Hon'ble Speaker during the hearing on 24.06.2026, for being supplied with a copy of the said representation. However, for reasons best known to Respondent Nos. 1 and 2, the Petitioner's requests were not acceded to. Thus, the impugned circular is in clear violation of the principles of natural justice, is arbitrary, and consequently violative of Article 14 of the Constitution.

8. Moreover, the Petitioner had categorically brought to the attention of Respondent Nos. 1 and 2 vide letters dated 16.06.2026, 23.06.2026, and 24.06.2026, that the original political party [Shiv Sena (UBT)] had not at all proposed or consented to any merger with any other political party. Despite the same, the impugned circular merely records that “[c]onsequent upon the change in party affiliation of 6 Members of Shiv Sena (UBT) in Lok Sabha, the revised Party Position in Eighteenth Lok Sabha, as on 18.07.2026 is enclosed”, without disclosing any reasons or justification for arriving at this conclusion. Thus, the impugned circular being completely unreasoned attracts the wrath of Article 14 and deserves to be set aside on this ground as well.
9. It is respectfully submitted that legislators cannot decide on a merger with another political party. Legislators can only consent to or disagree with the merger of their original political party with another political party. In the present case, the original political party has categorically asserted that there is no merger; therefore, Respondent Nos. 1 or 2 could not have permitted a group of legislators, irrespective of their numerical strength, to merge into another political party. In any event, Paragraph 4 of the Tenth Schedule is not at all applicable in the facts of the present case.
10. It is submitted that the democratic framework enshrined in our Constitution mandates that a member of the House elected on the ticket of a political party is bound to act in the House in accordance with the directions and whips issued by that political party. This constitutional position is well settled and recognized by this Hon’ble Court in a number of judgments: **Kanhiya Lal Omar v. R.K. Trivedi**, (1985) 4 SCC 628, **Kihoto Hollohan v. Zachillhu**, 1992 Supp (2) SCC 651, **S.R. Bommai v. Union of India**, (1994) 3 SCC 1, and **Subhash Desai v. State of Maharashtra**, (2024) 2 SCC 719.

11. The Constitutional provisions relating to disqualification demonstrate that the Constitution expressly obligates a member of the House to follow the directions of and not act *de hors* the political party on whose ticket he is elected. As per Article 102(2) of the Constitution, a member of the House is disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule. The provisions of Para 2(1)(a) and 2(1)(b) of the Tenth Schedule provide for disqualification of a member when he commits any act amounting to voluntarily giving up membership of his original political party, and/ or acts in the House contrary to the directions of his original political party. Thus, the very insertion of the Tenth Schedule in the Constitution demonstrates that the constitutional framework prohibits a member from changing his party affiliation, without the consent and support of his original political party.
12. Para 4 of the Tenth Schedule recognizes the concept of merger only as a defence in disqualification proceedings instituted under the Tenth Schedule. In the present case, no disqualification proceedings have yet been instituted against Respondent Nos. 3 to 8 by their original political party, i.e. Shiv Sena (UBT). Therefore, if the impugned circular is based on any decision of the Hon'ble Speaker, the same is beyond the scope of powers and functions of the Speaker as an Officer of Parliament. Reliance in this regard is placed on the law laid down in ***Rajendra Singh Rana v. Swami Prasad Maurya*, (2007) 4 SCC 270**, and ***Haryana Vidhan Sabha v. Kuldeep Bishnoi*, (2015) 12 SCC 381**.
13. It is submitted that neither Respondent No. 1 nor Respondent No. 2 has any power to entertain a claim of merger or a claim of change in party affiliation on behalf of a group of members. In fact, Directions 120 and 121 of the "Directions by the Speaker Lok Sabha" relate to recognition of a group of members as a parliamentary party or group for functioning in the House. Under these directions, it is a precondition for recognition that the parliamentary party or group should have announced a distinct

ideology and programme of parliamentary work at the time of the general elections, on the basis of which they have been elected to the House. Thus, a group claiming recognition must profess the same ideology and programme as it did at the time of elections. The recognition of Respondent Nos. 3 to 8 as part of the Shiv Sena led by Sh. Eknath Shinde after 2 years of their election on the ideology and programme of the Shiv Sena (UBT) is unconstitutional.

14. Neither Respondent No. 1 nor Respondent No. 2 has the power to recognize any change in party affiliation of Respondent Nos. 3 to 8, when the same has been not communicated by the Leader of the parliamentary party pertaining to the political party on whose ticket they were elected. Under the constitutional scheme, it is only the Leader of the parliamentary party, acting on the directions of the political party, that is entitled to communicate the composition of the parliamentary party in the House. This scheme does not permit any individual member to unilaterally claim alteration of the party composition. Reliance is placed on Para 8 of the Tenth Schedule of the Constitution, and Rules 3 to 5 of the Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985.
15. The impugned circular is in the teeth of the law laid down by this Hon'ble Court in **Subhash Desai**, where it was held that allowing elected representatives to sever their "umbilical cord" with the political party that set them up, and to function as an independent group inside the House, is a complete betrayal of the electorate's mandate and a system of governance not envisaged by the Constitution.
16. The impugned circular amounts to flagrant departure from the constitutional scheme, constitute a gross illegality and a substantive unconstitutionality, and is in violation of Article 14 of the Constitution. It is, thus, subject to judicial review by this Hon'ble Court under Article 32,

as held by the Hon'ble Constitution Bench in ***Raja Ram Pal v. Lok Sabha, (2007) 3 SCC 184.***

17. Therefore, it is respectfully submitted that the Petitioner has an excellent prima facie case on merits.
18. Moreover, it is respectfully submitted that the balance of convenience is in favour of the Petitioner and the Shiv Sena (Uddhav Balasaheb Thackeray) Political Party. If the interim relief as prayed for is not granted, Respondent Nos. 3 to 8 will brazenly function in the House as members of the Shiv Sena led by Sh. Eknath Shinde, in direct contravention of the electoral mandate through which they were elected to the Lok Sabha. This would completely alter the political composition and legislative weight of the party inside the House during the pendency of the present petition.
19. On the other hand, no prejudice or inconvenience whatsoever will be caused to the Respondents if the recognition of change in party affiliation is stayed during the pendency of the present petition.
20. It is respectfully submitted that if the interim relief is refused, it will result in an irreparable injury to the democratic fabric, the electoral process, and the Shiv Sena (Uddhav Balasaheb Thackeray) Political Party, which cannot be compensated or undone by any subsequent final relief.
21. Such an arrangement, if permitted to continue unabated, would allow for a brazen upheaval of the democratic process and directly subvert the constitutional scheme. It would permit the "umbilical cord" connecting the legislator to the political party to be severed, thereby violating the basic structure of parliamentary democracy.
22. The present application is bona fide and in the interest of justice.

PRAYER

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Stay the operation and effect of the impugned circular dated 18.07.2026 bearing No. LSS/CIR/35194/2026 issued by the Lok Sabha Secretariat to the extent that it recognises the "*change in party affiliation of 6 Members of Shiv Sena (UBT) in Lok Sabha*" and the consequential "*revised Party Position in Eighteenth Lok Sabha*" during the pendency of the present petition; AND
- b) Pass ex-parte ad-interim orders in terms of Prayer (a) above;
- c) Pass such any other/further orders as this Hon'ble Court may deem fit and proper in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE PETITIONER/ APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

FILED BY



(NISHANTH PATIL)

ADVOCATE FOR THE PETITIONER

FILED ON: 20.07.2026

SECTION: X

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
(Under Article 32 of the Constitution of India)
Writ Petition (Civil) No. _____ of 2026

BETWEEN:

ARVIND GANPAT SAWANT

...PETITIONER

VERSUS

HON'BLE SPEAKER, LOK SABHA & ORS.

...RESPONDENTS

I N D E X

<u>SL No.</u>	<u>PARTICULARS</u>	<u>COPIES</u>	<u>COURT FEE</u>
1.	Synopsis & List of Dates	1+3	
2.	Writ Petition alongwith Affidavit	1+3	
3.	Annexure-P-1 to P- 12	1+3	Rs.
4.	Application for Interim Relief.	1+3	Rs.
5.	Listing Proforma	1+1	
6.	Vakalatnama with Memo of Appearance.		Rs.10/-

FILED BY:



(NISHANTH PATIL)
 ADVOCATE FOR THE PETITIONER
 SUPREME COURT OF INDIA
 NEW DELHI-110001


SUREVESH KUMAR

FILED ON: 20.07.2026

**IN THE SUPREME COURT OF INDIA
CIVIL EXTRAORDINARY JURISDICTION
WRIT PETITION (C) NO. OF 2026**

IN THE MATTER OF:

Arvind Ganpat Sawant

...Petitioner

Versus

Hon'ble Speaker, Lok Sabha & Ors.

...Respondents

VAKALATNAMA

I, below mentioned the Petitioner in the above Petition do hereby appoint and retain **MR. NISHANTH PATIL, ADVOCATE ON RECORD**, to act and appear for me/us in the above Suit/ Appeal/ Petition/ Reference and on my/our behalf to conduct and prosecute or defend the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein, including proceedings in taxation and applications for review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the said Suit/ Appeal/ Petition/ Reference and applications of Review and to represent me/us and to take all necessary steps on my behalf in the above matter. I/We agree to ratify acts done by the aforesaid advocate in pursuance of this authority.

Dated this the**20th**.... day of July, 2026

ACCEPTED AND IDENTIFIED AND CERTIFIED

Nishanth Patil
Advocate

Petitioner

Memo of Appearance

The Registrar,
The Supreme Court of India
Sir,

Please enter my appearance on behalf of the Petitioner(s) in the above matter.

Dated: **20th** July 2026

Nishanth Patil
Advocate,
Supreme Court of India

