

ITEM NO.301

COURT NO.2

SECTION X

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

Writ Petition(s)(Civil) No(s).1393/2019

SHIV SENA & ORS.

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

(FOR ADMISSION and IA No.179675/2019-APPROPRIATE ORDERS/DIRECTIONS)

Date : 24-11-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE ASHOK BHUSHAN  
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s)

Mr.Kapil Sibal, Sr.Adv.  
Dr.Abhishek Manu Singhvi, Sr.Adv.  
Mr.Devadatt Kamat, Sr.Adv.  
Mr.Majeed Memon, Sr.Adv.  
Mr.Sunil Fernandes, AOR  
Mr.Muhammad Ali Khan, Adv.  
Mr.Rajesh Inamdar, Adv.  
Ms.Nupur Kumar, Adv.  
Mr.Javedur Rahman, Adv.  
Mr.Aditya Bhat, Adv.  
Mr.Ashwain Raj, Adv.  
Ms.Srinidhi Rao, Adv.  
Mr.Ali Rahim, Adv.  
Ms.Priyansha Indra Sharma, Adv.  
Ms.Anju Thomas, Adv.  
Mr.Darpan Sachdeva, Adv.  
Mr.Nishant Patil, Adv.  
Mr.Ashok Basoya, Adv.  
Mr.Hemant Shah, Adv.  
Mr.Shriram Pingle, Adv.  
Mr.Prastut Dalvi, Adv.  
Ms.Kajal Dalal, Adv.  
Mr.Amit Bhandari, Adv.  
Mr.Rahul Kaushik, Adv.

For Respondent(s)

Mr.Tushar Mehta, SG  
Mr.Rajat Nair, Adv.  
Mr.Kanu Agrawal, Adv.  
Mr.Manan Popli, Adv.

Mr.Rajeev Ranjan, Adv.  
Mr.Shantanu Sharma, Adv.  
Mr.Bhuvan Kapoor, Adv.  
Mr.B.V.Balaram Das, aor

Mr.Mukul Rohatgi, Sr.Adv.  
Mr.Saurabh Kirpal, Adv.  
Ms.Ranjeeta Rohatgi, AOR  
Ms.Diksha Rai, Adv.  
Ms.Misha Rohatgi, Adv.  
Ms.Devanshi Singh, Adv.  
Mr.Vamshi Rao, Adv.  
Ms.Samten Doma, Adv.  
Mr. Samrat Shinde, Adv.  
Mr. Anand Dilip Landge, AOR

Mr. Debasis Misra, AOR  
Mr. Vishaal S. Jogdand, Adv.  
Mr. Suhas Kadam, Adv.  
Mr. Shreyas Gacche, Adv.  
Mr. Jagdev, Adv.  
Mr. R.C. Paul Kanak Raj, Adv.  
Ms. Pareena Swarup, Adv.  
Dr. Santan Ray Choudhari, Adv.  
Mr. R. Sharath, Adv.  
Mr. R.S. Jha, Adv.  
Mr. Bijay Kumar Jha, Adv.  
Mr. Manav, Adv.  
Ms. Nanita Sharma, Adv.  
Ms. Alpana Sharma, Adv.  
Mr. M.S. Vinayak, Adv.  
Mr.Jay Prakash Somani, Adv.  
Mr. Choudhari Samsuddin Khan, Adv.  
Mr. Rajnish Kumar, Adv.  
Ms. Meera Bhatia, Adv.

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

Issue notice.

It was brought to our notice by the learned Senior counsels appearing for the petitioners that they have served the respondents through e.mail. However, there is no representation for Respondent Nos.2, 3 and 4.

Mr. Tushar Mehta, learned Solicitor General appearing for the Union of India is willing to produce the relevant record, if necessary, from the Governor also.

Mr. Mukul Rohatgi, learned Senior counsel who is appearing for some BJP MLAs and two independent MLAs, who are not parties to this Writ Petition, opposed the entertaining of the Writ Petition as well as passing of any order.

We have taken note of all the arguments, particularly the argument that the Governor's decision dated 23-11-2019 inviting the Respondent No.3 to form a Government on 23-11-2019 is unconstitutional. With regard to the second prayer as at 'b', we are not going to consider the same at present. As adjudication of the issues and also the interim prayers sought by the petitioners to conduct floor test within 24 hours has to be considered after perusing the order of the Governor as well as the letters submitted by Mr. Devendra Fadnavis - Respondent No.3, even though none appeared for the State Government, we request Mr. Tushar Mehta to produce those two letters by tomorrow morning at 10.30 a.m. when the matter will be taken up, so that appropriate order will be passed.

(VISHAL ANAND)  
COURT MASTER (SH)

(ANAND PRAKASH)  
BRANCH OFFICER