

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION (L) NO.31899 OF 2014

Ketan K. Tirodkar

Petitioner

versus

Hon'ble Speaker and others

Respondents

None for the Petitioner.

Mr.Sunil V. Manohar, Advocate General with Mr.A.B.Vagyani,
Government Pleader for Respondent no.2 State.

CORAM : MOHIT S. SHAH, C.J. AND
B.P.COLABAWALLA, J.

DATE : 15 January 2015

PC :

The petitioner, appearing as party in person, is not present. Even on 17 December 2014, when the matter was called out, the petitioner was not present. But to give a last opportunity, the hearing was adjourned.

2. Heard learned Advocate General appearing for respondent no.2.

3. In this petition purporting to be a public interest litigation, the petitioner has prayed for the following reliefs :

A) This Hon'ble Court may be pleased to direct the Respondents to frame rules preventing the leader of opposition from joining the cabinet in any capacity; for the period of six months from his so taking over the Leader of Opposition;

B) This Hon'ble Court may be pleased to direct the Respondents barring the opposition benches from joining the ruling benches by absolving themselves from the duty of opposition party leaders; for the period of six months;

C) Government be directed to incorporate appropriate provisions in the Allocation of Business Rules to prevent such incidents from occurring in future."

4. Upon a bare perusal of the prayers and on going through the memo of the petition, it is obvious that such a petition is not maintainable. In exercise of the prerogative discretionary extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, this Court cannot direct the Legislature to legislate on any subject, much less restraining the Leader of Opposition from joining the Government within a period of six months of his taking over as Leader of Opposition.

5. The petition is thoroughly misconceived. It is accordingly dismissed.

6. We make it clear that if the petitioner files such frivolous and misconceived petitions or so called Public Interest Litigations in future, the Court will consider imposing heavy costs on the petitioner.

(CHIEF JUSTICE)

(B.P.COLABAWALLA, J.)

MST