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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5901/2017 & CM Nos.24583-84/2017

SATYA NARAYAN PRASAD Petitioner
Through : Petitioner in person.

versus

UNION OF INDIA AND ORS Respondents
Through : Mr. Arun Bhardwaj, CGSC
for R-1.
Mr. Y.R. Sharma, Adv. for
R-2.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
% **17.07.2017**

CM Nos.24583-84/2017

Allowed, subject to just exceptions.

The applications are disposed of.

W.P.(C)No.5901/2017

1. The writ petitioner seeks a direction to the respondents for allowing a Member of Parliament who has been appointed by the Governor of the State as a Chief Minister/Minister of a State to vote only as a Member of Legislative Assembly and not as a Member of Parliament.

2. To support this contention, the petitioner has contended that such Members of Parliament are drawing salary from the State where they have been appointed as a Chief Ministers or Ministers. His further submission is that “*there is no provision to vote for President of India by Chief Minister/Minister of a State as a Member of Parliament*”.

3. The writ petitioner is unable to point out any provision of the Constitution or any statutory provision in support of his contentions. It is apparent from the above that the petitioner seeks issuance of writ of *mandamus* directing the respondents to legislate on the above subjects and direct that a Member of Parliament who is working as a Chief Minister/Minister of State should be allowed to vote as Member of Legislative Assembly and not as a Member of Parliament.

4. It is admitted by the petitioner that he seeks a direction for issuance of *mandamus* to the respondents to legislate on the above subject matter which is clearly beyond the permissible boundaries of exercise of writ jurisdiction.

This writ petition is therefore, dismissed.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 17, 2017

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