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

+ W.P.(C) 6596/2018

SANJAY SINGH

..... Petitioner

Through: Mr. Somnath Bharti, Mr. Mohd. Irsad and
Mr. Vikas Saini, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Rajesh Kumar Gogna, CGSC with
Mr. Akhilesh Kumar, Advocate.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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13.06.2018

1. This writ petition, which purports to have been filed in public interest makes the following prayers :

- a) Direct the Speaker of the Lok Sabha to ensure the presence of the Prime Minister in the Parliament and reply the questions related to public interest ; and
- b) Direct the Speaker of the Lok Sabha to take appropriate steps to ensure presence of all the MPs including the Prime Minister at least 75% of the sittings;
- c) Direct the President to ascertain feasibility of “No Work No Pay” for the MPs, if presence is less than 50% in Assembly;
- d) Pass such other orders as this Court may deem fit and proper in the facts and circumstances of the case.

2. Inasmuch as we were of the *prima facie* view that this writ petition is entirely without any merit, we, at the outset, enquired from Mr. Somnath Bharti, learned counsel appearing for the petitioner, as to whether he desires to withdraw the present writ petition or to proceed further. He insisted that he desired to argue the matter on merit.

3. Heard.

4. The submissions made by Mr. Somnath Bharti appeared to be divergent with the contents of the writ petition. We may note that there is no whisper of an averment, in the writ petition justifying the prayer for issuance of the directions prayed for therein, apart from a generalized submission that legislators are required to attend the Parliament regularly. While this is true, that maintenance of the democratic integrity of our nation requires the autonomy of the three pillars thereof, i.e, the legislature, executive and judiciary, survive in mutual harmony and respect, our democratic framework does not contemplate the judiciary to act as the head master of the legislature or the legislators forming the body politic thereof or to police its actions.

5. In fact, a reading of the writ petition makes it clear that it is wholly lacking in *bonafides*, and is in the nature of a directed invective against the Prime Minister, for reasons recondite, and best known to the petitioner. The only submission made, during the course of arguments by Mr. Somnath Bharti was in the context of Article 101 (4) of the Constitution of India which reads as under:

“If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant.

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.”

6. Mr. Somnath Bharti, learned counsel for the petitioner submits that he has apprehensions that various members of the legislation, including the Prime Minister, may not have attended requisite sittings of the Parliament and, therefore, seeks a direction to the Speaker of the Assembly to produce the details of such sittings so that his client could ascertain whether there has, or has not, been violation of Article 101 (4) of Constitution of India. No such prayer, as is obvious from the above, finds place in the writ petition.

7. Needless to say the present writ petition cannot be a platform for initiating a roving and fishing enquiry into the sittings of legislators in Parliament. Neither do we find any material, in the writ petition, calling for issuance of any such direction to the Speaker. The presumption, of the petitioner, that there may have been violation of Article 101 (4) of the Constitution of India, hardly justifies such a prayer, or such a writ petition.

8. The present petition is nothing but an abuse of the process of law and is *ex facie*, politically motivated. It has consumed valuable judicial time and effort, which could have been expended in adjudicating disputes which genuinely deserve a quietus. Such abuse of the judicial process deserves to be deprecated, and we do so.

9. Ordinarily, an attempt such as the present writ petition would deserve to be dismissed with heavy costs. However, as the petitioner claims to be a social worker, and as we are rejecting the petition *in limine*, we refrain from imposing any cost, warning the petitioner, and other such like-minded

litigants, that adventurism of this nature may not always meet with such a lenient response.

10. The writ petition is dismissed.

SANGITA DHINGRA SEHGAL, J.

C. HARI SHANKAR, J.

JUNE 13, 2018

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