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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 7272/2019

ANIL KUMAR BAJPAI

..... Petitioner

Through Mr Purushaindra Kaurav, Senior
Advocate with Mr Neeraj, Mr Himanshu Pathak,
Mr Satya Ranjan Swain, Ms Piyush Beriwal,
Mr Sahaj Garg, Mr Sushil Kr Garg, Advocates.
versus

THE SPEAKER, LEGISLATIVE
ASSEMBLY AND ANR.

..... Respondents

Through Mr Manish Vashisht, Mr Sameer
Vashisht, ASC, Civil, GNCTD with Mr
Manashwy Jha, Ms Urvi Kapoor, Advocates for
R1.

Mr R.A. Iyer, Advocate for R2.

+ W.P.(C) 7273/2019

COL. DEVENDER KUMAR SEHRAWAT

..... Petitioner

Through Mr Chetan Sharma, Senior Advocate
with Mr Neeraj, Mr Himanshu Pathak,
Mr Satya Ranjan Swain, Ms Piyush Beriwal,
Mr Sahaj Garg, Mr Sushil Kr Garg, Advocates
versus

THE SPEAKER, LEGISLATIVE
ASSEMBLY AND ANR.

..... Respondents

Through Mr Sudhir Nandrajog, Senior Advocate
with Mr Sameer Vashisht, ASC, Civil, GNCTD
with Mr Manashwy Jha, Ms Urvi Kapoor,
Advocates for R1.

Mr R.A. Iyer, Advocate for R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.07.2019

CM APPL. 30264/2019 in W.P.(C) 7272/2019

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CM APPL. 30267/2019 in W.P.(C) 7273/2019

1. Allowed, subject to all just exceptions.
2. The application are disposed of.

W.P.(C) 7272/2019 & CM APPL. 30263/2019, 30265/2019

W.P.(C) 7273/2019 & CM APPL. 30266/2019, 30300/2019

3. The petitioners have filed the present petitions, *inter alia*, praying that directions be passed for removing respondent no.1 from the anti-defection proceedings. The petitioners also pray that the respondent be directed to appoint a committee for the adjudication of the anti-defection proceedings initiated against the petitioners.

4. The petitioners, essentially, seek to challenge the jurisdiction of respondent no.1, Speaker of the Delhi Legislative Assembly, to adjudicate the petition submitted by respondent no. 2, seeking their disqualification from the membership of the Legislative Assembly of NCT of Delhi. It is contended that respondent no.1 is biased as he has a strong affiliation to the political party, *Aam Aadmi Party*, and, therefore, is not in a position to adjudicate the proceedings in an impartial and unbiased manner. The petitioners have raised a similar objection before respondent no.1. However, respondent no.1 has called upon the petitioners to submit their responses on merits, as well.

5. Mr Chetan Sharma, learned Senior Counsel appearing for the petitioners, contended that respondent no. 1 was bound to first adjudicate the objection of bias raised by the petitioners, before proceeding further.

6. After the arguments were heard at length, Colonel Devender Kumar Sehrawat, the petitioner in W.P.(C) 7273/2019, also sought permission to

address arguments by discharging his Counsel. Although, this Court does not appreciate this conduct, nonetheless, this Court also heard Colonel Devender Kumar Sehrawat. He also reiterated the contention that respondent no. 1 is required to pass an order deciding the preliminary objection as to his jurisdiction to adjudicate the petition, before proceeding further.

7. This Court finds the aforesaid contention bereft of any merit. There is no requirement for respondent no.1 to decide the controversy piecemeal. This Court finds no fault in the procedure adopted by respondent no. 1 in calling upon the petitioners to file comprehensive responses to the petition submitted by respondent no.2.

8. In view of the above, the present petitions are dismissed. Needless to state that respondent no. 1 would address all contentions as advanced by the petitioners. All rights and contentions of the petitioners to subsequently challenge any order that may be passed by respondent no. 1, are also reserved.

9. All pending applications are also disposed of.

10. At this stage, Col Sehrawat requests that at least two days further time be granted to the petitioners to file a comprehensive response.

11. Mr Nandrajog, learned Senior Counsel appearing for respondent no.1 states that there would be no difficulty in acceding to the request made by the petitioners. The said statement is taken on record.



VIBHU BAKHRU, J

JULY 08, 2019

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