

Writ Petition(s)(Civil) No(s). 720/2016  
SWARAJ ABHIYAN AND ANR.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.  
(with appln. (s) for exemption from filing O.T.)

Respondent(s)

WITH  
W.P.(C) No. 753/2016  
(With appln.(s) for exemption from filing O.T. and Office Report)  
W.P.(C) No. 973/2016  
(With Office Report)

Date : 02/12/2016 This petition was called on for hearing today.

CORAM : HON&#39;BLE MR. JUSTICE DIPAK MISRA  
HON&#39;BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Shanti Bhushan, Sr. Adv.  
Mr. Prashant Bhushan, AOR  
Mr. Pranav Sachdeva, Adv.  
Mr. Sudip Shrivastav, Adv.  
Ms. Neha Rathi, Adv.  
Mr. Devesh Agnihotri, Adv.  
Mr. Kartik Seth, Adv.  
Mr. Sanjay Hegde, Sr. Adv.  
Mr. Pukhrambam Ramesh Kumar, Adv.  
Mr. Uday Manaktala, Adv.

For Respondent(s) Mr. Mukul Rohatgi, AG  
Ms. V. Mohana, Sr. Adv.  
Mr. Mukul Singh, Adv.  
Ms. Movita, Adv.

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Ms. Shikha Kumari, Adv.  
Mr. M.K.Maroria, Adv.

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

W.P. (C) No.720 of 2016  
Heard Mr. Shanti Bhushan, learned senior counsel along with  
Mr. Prashant Bhushan for the petitioners and Mr. Mukul Rohatgi,  
learned Attorney General for India along with Ms. V. Mohana,  
learned senior counsel for the respondents.

On 11.11.2016, this Court had passed the following order :

â S Ms. V. Mohana, learned senior counsel being  
assisted by Mr. Mukul Singh, learned counsel  
appearing for the respondents has received a copy  
of the petition from the petitioner and  
undertakes to obtain instructions within two  
weeks.

Let the matter be listed after two weeks.â \235

It is submitted by Mr. Mukul Rohatgi, learned Attorney General  
for India that a writ petition by Swaraj Abhiyan, an unregistered  
organization, is not maintainable. Additionally, it is urged by  
him that the people behind the said unregistered organization have  
filed an application seeking registration as a political party  
called &#39;Swaraj India&#39; before the Election Commission.  
As far as Writ Petition No.753 of 2016 by Mr. T.S. Singhdeo is  
concerned, it is contended by Mr. Rohatgi that Mr. T.S. Singhdeo is  
a leader of opposition in the Legislative Assembly and, therefore,  
a petition of the present nature at his instance is not  
maintainable.

Learned Attorney General for India would further contend that  
assuming these people have the locus to maintain the writ petition,  
the lis that is presented before this Court will not come within

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the ambit and sweep of Article 32 of the Constitution of India.  
Elaborating the first part, it is canvassed by Mr. Rohatgi that

when an issue takes the colour of political nature or a political protagonist approaches the Court in the guise of a public interest litigation to settle political scores, it loses the character of public interest litigation.

Be that as it may, as advised, at present we would like to hear the maintainability of the petitions on this score as well as other grounds raised by Mr. Rohatgi for the aforesaid purpose.

Learned parties are at liberty to file the written notes of submissions.

Let the matter be listed on 10.01.2017.

WP No.973 of 2016

List the matter on 10.01.2017.

(Gulshan Kumar Arora) (H.S. Parasher)

Court Master Court Master