

SUPREME COURT OF INDIA

Dr.Narottam Mishra

Vs.

Shri Rajendra Bharti

SLP(Civil)No.17608 of 2017

(Jagdish Singh Khehar and Dr.D.Y.Chandrachud,JJ.,)

12.07.2017

ORDER

1. This order will dispose of SLP(C)No.17608/2017 (Dr.Narottam Mishra vs. Rajendra Bharti and others), as also, Transfer Petition(C)D.No.20213 of 2017 (Rajendra Bharti & Ors. vs. Dr.Narottam Mishra & Ors.).

2. During the course of hearing, after making their submissions, learned counsel for the rival parties were agreeable, that the proceedings in Writ Petition 9704 of 2017 filed before the High Court of Madhya Pradesh (Principal seat at Jabalpur) be transferred, for hearing and disposal on merits, to the Hon' ble High Court of Delhi. We order accordingly.

3. Since the outcome of the proceedings in the above writ, has an important bearing on, whether Dr.Narottam Mishra - the petitioner in Writ Petition No.9704/2017 continues to be a member of the Legislative Assembly of the State of Madhya Pradesh, and hence can vote in the presidential election scheduled for 17.07.2017. We are of the view, that can only be determined after the challenge raised to the order passed by the Election Commission of India, on 23.06.2017, is suitably addressed by the High Court, finally or by an interim order as the High Court may consider appropriate.

4. Keeping the above urgency in mind, we consider it just and appropriate to direct learned counsel for the rival parties to appear before the Acting Chief Justice of the Delhi High Court, during the course of the day, and present to the High Court the entire paperbook of Writ Petition No.9704/2017 filed before the Madhya Pradesh High Court. We also grant liberty to learned counsel to request the Hon' ble Acting Chief Justice, on our behalf, to constitute a Bench for hearing Writ Petition No.9704/2017, and our desire, that the hearing should commence on 13.07.2017, to suitably address the issue, even if it entails the continuation of hearing during the week-end.

5. During the course of hearing, Mr.Mukul Rohatgi, learned senior counsel, invited our attention to Annexure P-13 (appended to the special leave petition), which is a

communication addressed by the respondent - Rajendra Bharti, to the Registrar General of the Madhya Pradesh High Court. Mr.Kapil Sibal, learned senior counsel representing the said Rajendra Bharti submitted, that the aforesaid communication (Annexure P-13) be treated as having been withdrawn. He has also tendered an unconditional apology with reference to the insinuations levelled therein, on behalf of the respondent - Rajendra Bharti.

6. Mr.Amit Sharma, learned counsel, enters appearance on behalf of the Election Commission of India, and undertakes that he will appear before the Hon' ble Delhi High Court in compliance with the directions issued hereinabove, to represent the Election Commission of India.

7. Disposed of, in the above terms.