

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. _____ OF 2022
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)**

IN THE MATTER OF:

EKNATHRAO SAMBHAJI SHINDE ...PETITIONER

VERSUS

DEPUTY SPEAKER & ORS ...RESPONDENTS

WITH

I.A. NO. ____ OF 2022

APPLICATION FOR STAY

AND

I.A. NO. ____ OF 2022

APPLICATION FOR EXEMPTION FROM OFFICIAL TRANSLATION OF
ANNEXURES

PAPER BOOK

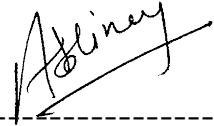
(FOR INDEX SEE INSIDE)

ADVOCATE FOR THE PETITIONER: ABHINAY SHARMA

Dy. No./2022

DECLARATION

All defects have been duly cured. Whatever has been added / deleted / modified in the petition is the result of curing of defects and nothing else. Except curing the defects, nothing has been done. Paper books are complete in all respects.

Signature: ----- 

Abhinay Sharma

Advocate-on-Record

Code: 3080

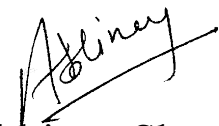
RECORD OF PROCEEDINGS

<u>S.No.</u>	<u>DATE OF RECORDING OF PROCEEDINGS</u>	<u>PAGE</u>
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PROFORMA FOR FIRST LISTING**SECTION:**

The case pertains to (Please tick/check the correct box):		
Central Act:		Constitution of India
Section :		Article 14, 21,179
Central Rule :		
Rule No(s):		
State Act:		
Section:		
State Rule:		Members of Maharashtra Legislative Assembly (Disqualification on ground of Defection) Rules, 1986
Rule No(s):		6
Impugned Interim Order:		N/A
Impugned Final Order/Decree:		N/A
High Court:		N/A
Names of Judges:		N/A
Tribunal/Authority:		N/A
1.	Nature of matter:	CIVIL
2.	(a) Petitioner/appellant No.	EKNATHRAO SAMBHAJI SHINDE
	(b) e-mail ID:	
	(c) Mobile phone number:	
3.	(a) Respondent No. 1:	Deputy Speaker
	(b) e-mail ID:	N/A
	(c) Mobile phone number:	N/A
4.	(a) Main category	
	(b) Sub classification:	
5.	Not to be listed before:	N/A
6.	(a) Similar disposed of matter with citation, if any, & Case:	No similar matter is disposed of
	(b) Similar pending matter with case details	No similar matter is pending
7.	Criminal Matters:	
	(a) Whether accused/convict	N/A

	has surrendered:	
	(b) FIR No. Date:	N/A
	(c) Police Station:	N/A
	(d) Sentence Awarded:	N/A
	(e) Period of Sentence undergone including period of Detention/Custody.	N/A
8.	Land Acquisition Matters:	
	(a) Date of Section 4 notification:	N/A
	(b) Date of Section 6 notification:	N/A
	(c) Date of Section 17 notification:	N/A
9.	Tax Matters: State the tax effect:	N/A
10.	Special Category (first petitioner/appellant only):	N/A
Senior citizen > 65 years <input type="checkbox"/> SC/ST <input type="checkbox"/> Woman/child <input type="checkbox"/> Disabled <input type="checkbox"/> Legal Aid case <input type="checkbox"/> In custody		
11.	Vehicle Number (in case of Motor Accident Claim matters):	N/A



(Abhinay Sharma)

ADVOCATE FOR THE PETITIONER

AOR Code: 3080

E-mail- sharmabhinay.aor@gmail.com

Date: 26.06.2022

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SYNOPSIS

The Petitioner herein is constrained to invoke the jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India challenging the arbitrary and illegal exercise of provisions of Members of Maharashtra Legislative Assembly (Disqualification on ground of Defection) Rules, 1986 (hereinafter referred as "**MLA Defection Rules**") by the Respondent No. 1 which is completely violative of Article 14 and 19(1)(g) of the Constitution of India as well as the illegal and unconstitutional action of the Deputy Speaker insofar as recognizing Mr. Ajay Choudhury as the leader of the Shiv Sena Legislature Party (SSLP) despite the said request being admittedly made by a minority faction of the SSLP. Further, the said Respondent No. 1, even after belonging to minority faction of the SSLP, has also filed a Petition under Rule 6 of MLA Defection Rules seeking disqualification of the Petitioner under Para-2(1)(a) of the Tenth Schedule of the Constitution of India for which the Petitioner received notice dated 25.07.2022 (hereinafter "**Impugned Notice**") from Respondent No. 1 which was signed by Respondent No. 2.

The sum and substance of the Petitioner's case is as follows:

Notice/Summons dated 25.06.2022 issued by the Respondent No. 1, i.e. Deputy Speaker on the Disqualification Petition filed by the Respondent No. 4 under X schedule to the Constitution of India:

The Petitioner is aggrieved by the notice/summon dated 25.07.2022 as the same is grossly illegal, unconstitutional and in utter disregard of the judgment of this Hon'ble Court in the matter of *Nabam Rebia & Bamang Felix VS Dy. Speaker, Arunachal Pradesh Legislative Assembly in (2016) 8 SCC 1* which held as follows:

“193. ...We are, therefore, of the view that constitutional purpose and constitutional harmony would be maintained and preserved, if a Speaker refrains from adjudication of a petition for disqualification under the Tenth Schedule, whilst his own position, as the Speaker is under challenge.”

*194. For the reasons recorded hereinabove, **we hereby hold, that it would be constitutionally impermissible for a Speaker to adjudicate upon disqualification petition under the Tenth Schedule, while a notice of resolution for his own removal from the Office of the Speaker, is pending.***

[Emphasis Supplied]

That the seat of Hon'ble Speaker is vacant since Sh. Nana Patole resigned from office in February, 2021. Thus, there is no authority who can adjudicate upon the disqualification petition under which the Impugned Notice has been issued to the Petitioner.

Disqualification Petition is not maintainable:

Apart from the above constitutional limitation that the Deputy Speaker faces in deciding the present disqualification the Petitioner most respectfully submits that the disqualification petition filed by Respondent No. 1 who himself has no authority to do so. It is submitted that Mr. Prabhu, claiming to be the Chief Whip is no longer holds the said post and therefore has no legal authority to maintain the said petition under the tenth schedule of the Constitution of India.

Pertinently, on 21st of June, 2022, the majority members of the Shiv Sena Legislature Party held a meeting and passed a resolution appointing Mr. Bharat Gogavale as the Chief Whip of the Shiv Sena Legislature Party and also reaffirmed the Petitioner herein as the 'Gatneta'/Leader of the Shiv Sena Legislature Party.

The Petitioner submits that the whip contemplated under Paragraph 2 of the Tenth Schedule is for a vote on the Floor of the House and no whip could have been issued for a meeting admittedly held outside the House. The Petitioner submits that a meeting of the Party no concerned with business or vote on the Floor of the House cannot be converted into a weapon to disqualify duly elected members under the garb of the Tenth Schedule.

Furthermore, the Maharashtra Legislative Assembly has framed the Members of Maharashtra Legislative Assembly (Disqualification on the ground of Defection) Rules, 1986 under Paragraph 8 of the 10th Schedule to the Constitution of India. Rule 6 deals with the Disqualification Petitions and Rule 6 (4)(a) requires agree Disqualification Petition to contain a concise statement of “Material Facts”.

A bare perusal of the Disqualification Petition as filed against the Petitioner would show that conspicuously absent in the same are any averments much less material averments to conclusively show that the Petitioner has incurred any Disqualification under Paragraph 2 of the 10th Schedule. It is the case of Respondent No.5, that absence from meetings allegedly held on 21.06.2022 and 22.06.2022 amount to disobedience of the alleged whip issued by Respondent No.1 and on the basis of the same it can be inferred that the Petitioner has voluntarily given up membership of SSLP. The other contentions is that by passing Resolution reaffirmation the Petitioner as the leader of SSLP, the Petitioner and other members have engaged in activity against the party. It is most respectfully submitted that none of the aforesaid grounds would

qualify under paragraph 2 of the X Schedule to the Constitution of India as a ground of disqualification.

Despite of the above, the Deputy Speaker has gone ahead and issued the impugned notice/summons to the Petitioner which is in complete violation of the fundamental rights of the Petitioners are guaranteed to them under Article 19(1)(g) and Article 14 of the Constitution of India.

Notice/summon dated 25.06.2022 is violative of Article 14 of the Constitution of India:

The disqualification notice is classic example of the Deputy Speaker acting hand in glove with the Government in an attempt to hastily disqualify the Petitioner along with other supporters. The Disqualification Rules and the Maharashtra Legislative Assembly Rules are sought to be completely bypassed. A perusal of the Disqualification Notice dated 25.06.2022 would show that the Petitioner has been granted merely 48 hrs. to reply to the same. Rule 7(3)(b) of the disqualification rule reads as under:

“3.If the Petition complies with the requirements of Rule 6, the Speaker shall cause copies of the Petition and of the annexures thereto to be forwarded,-

(a) To the member in relation to whom the Petition has been made; and

(b) Where such member belongs to any legislature party and such Petition has not been made by the leader thereof, also to such leader;

And such member or leader shall within seven days of the receipt of such copies, or within such further period as the Speaker may for sufficient cause allow, forward his comments in writing thereon to the Speaker.

[Emphasis Supplied]

It would therefore be clear that a person sought to be disqualification under the rules is entitled to a period of at least 7 days further extendable by the Speaker to submit his comments on the disqualification Petition.

This period of 7 days is sought to be illegally curtailed by granting the Petitioner merely 48 hrs. to reply to the disqualification Petition which is nothing but an eyewash to put a façade of compliance of the rules. The Petitioner therefore submits that the disqualification notice dated 26.05.2022 is completely mala fide and Arbitrary and therefore violative of Article 14 of the Constitution of India and has been issued with a pre-meditated mind set to illegally disqualify the Petitioner.

Notice dated 21.06.2022 issued by the Respondent No. 1, i.e. the Deputy Speaker is illegal, unlawful, non-est and passed without jurisdiction:

Furthermore, the Petitioner is also challenging the order/letter purportedly passed on 21.06.2022 whereby the Respondent No.

1 has recognized Respondent No. 5 as the 'Gatneta'/leader of the Shiv Sena Legislature party. It is submitted that the said order is completely unlawful and illegal as admittedly the said order was passed by the Respondent No. 1 on the basis of a purported resolution of the same date, i.e. 21.06.2022 passed by a minority faction of the Shiv Sena Legislature Party. It is submitted that some of the 24 out of 55 members who had signed the said resolution, have withdrawn their consent to the said resolution and have extended support and reaffirmed the Petitioner as the leader of the Shiv Sena Legislature Party.

The Respondent No. 1, despite being completely aware of the fact that more than 2/3rd majority of the members of the Shiv Sena Legislature Party support the Petitioner and have reaffirmed him as the gatneta/leader of the party vide their resolution dated 21.06.2022 (as well as subsequent affirmation by way of affidavits).

It is further submitted that while the said order is dated 21.06.2022, the same was published in the media only on 24.06.2022. Further, the Petitioner was not even given any notice before passing the said order despite being himself being the gatneta/leader of the Shiv Sena Legislature Party.

Thus, the impugned order dated 21.06.2022 passed by the Respondent No. 1 recognizing Respondent No. 5 as the gatneta / leader of the Shiv Sena Legislature Party is liable to be set aside with immediate effect.

Furthermore, it is common knowledge that the current government in the State of Maharashtra, led by the Maha Vikas Aghadi (MVA) alliance has lost the majority in the house as 38 of the members of the Shiv Sena Legislature Party have withdrawn their support thus bringing it below the majority in the house. However, the MVA government continues to misuse the office of the Deputy Speaker to ensure that they remain in power by whatever means necessary.

It is submitted that not only the security of our families and relatives have been compromised by removing the security personnel but also there is an ongoing agenda wherein various leaders of the MVA government are instigating the cadres of their respective parties to take up violence to further intimidate us which is evident from the media reports published on 23.06.2022 at various print and digital publications wherein Mr. Sanjay Raut threatened the Petitioners and the other members by stating that he would make it difficult for the MLAs who have left to return to Maharashtra and move around in the

State of Maharashtra. The relevant part of interview given by Mr. Sanjay Raut is extracted herein:

"Let all the MLAs come to the floor of the House. We will see then. These MLAs who have left... they will find it difficult to return and move around in Maharashtra."

Available at:

[Sena's Sanjay Raut To Rebels Led By Eknath Shinde: You Merge With BJP; Party Is Ours \(ndtv.com\)](https://www.ndtv.com/news/politics/article/sena-s-sanjay-raut-to-rebels-led-by-eknath-shinde-you-merge-with-bjp-party-is-ours-2711077)

The impact of these statement was borne by two of our members as their offices were vandalized by the carders of Shiv Sena merely after hours of withdrawing the security from MLAs.

Hence the present Writ Petition.

LIST OF DATES

Dates	Particulars
21.10.2019	Elections to the 14 th Maharashtra Legislative Assembly were held for 288 seats in the Assembly.
24.10.2019	Results to the Fourteenth Maharashtra Legislative Assembly were declared, wherein BJP got the largest number of seats in the Assembly i.e. 105 seats, after BJP, Shiv Sena secured the second largest seats in the Assembly i.e. 56 seats, followed by NCP with 54 seats and INC got 44 seats in the Assembly.

31.10.2019	Mr. Eknath Shinde was appointed as group leader of Shiv Sena Legislature Party.
10.11.2019	Since no single party secured absolute majority, The Hon'ble Governor of Respondent No. 1 state asked Shiv Sena if they are willing to form government in the state.
November, 2019	Maha Vikas Aghadi (" MVA "), comprising of three political parties, namely, the Congress, Shiv Sena and the National Congress Party formed a Coalition Government in the State.
02.12.2019	Mr. Nana Patole was elected as the Speaker of the Maharashtra Legislative Assembly.
14.03.2020	Mr. Narhari Zirwal was elected as the Deputed Speaker of the Assembly.
05.02.2021	Mr. Nana Patole resigned from the post of the Speaker. Due to the resignation of Mr. Nana Patole from the post of the Speaker, Mr. Narhari Zirwal have been discharging the functions of the Speaker of Maharashtra Legislative Assembly.
2021-2022	During the course of the time, there was great

	<p>dissatisfaction prevalent amongst the members of Shiv Sena Party on account of Corruption in the Government.</p> <p>During the time period of last two and half years, the Party and its leadership have compromised party principles with different ideology that of INC and NCP.</p> <p>In view of the above-mentioned facts and circumstances, the Petitioners along with several other members of the Shiv Sena party even requested to the Hon'ble Chief Minister of the State of Maharashtra to change his way of working in the present political scenario and take steps to align his ideologies with the ideologies of the Balasaheb Thackeray.</p> <p>However, no such requests were entertained by the Hon'ble Chief Minister, on contrary there started a series of threats and intimidation by the members of the present government and party (Shiv Sena) to the Petitioners.</p>
21.06.2022	<p>Through the media reports, it came to the knowledge of Petitioners and others leaders of Shiv Sena Legislature Party that only MLAs 24 out of 55 MLAs of Shiv Sena Legislature Party attended an unauthorized</p>

	<p>meeting and passed a resolution to remove Mr. Eknath Shinde as the leader of Shiv Sena Legislature Party and appointing Mr. Ajay Choudhary as the group leader of Shiv Sena Legislature Party. It was also came to the knowledge that Mr. Sunil Prabhu was appointed as Chief Whip.</p>
21.06.2022	<p>34 MLAs of the Shiv Sena Legislature Party (including few other independent MLAs supporting them) passed a resolution reaffirming that Mr. Eknath Shinde who was appointed as group leader of Shiv Sena Legislature Party on 31.10.2019 continues to be the leader of Shiv Sena Legislature Party. The Resolution clearly stated that appointment of Mr. Ajay Choudhary is illegal and declared void and inoperative. The Resolution also stated that Mr. Bharat Gogavale was elected and appointed as Chief Whip of the Shiv Sena Legislature Party and appointment of Mr. Sunil Prabhu was resolved to be cancelled with immediate effect.</p>
21.06.2022	<p>34 MLAs of the Shiv Sena Legislature Party (including few other independent MLAs supporting them) wrote a</p>

	<p>letter dated 21.06.2022 to the Deputy Speaker informing him that the majority (34 MLAs) have reaffirmed the appointment of Mr. Eknath Shinde as the group leader of the Shiv Sena Legislature Party therefore not to recognize Mr. Ajay Choudhary as the leader of the Shiv Sena Legislature Party of the 14th Maharashtra Legislative Assembly.</p>
21.06.2022	<p>34 MLAs of Shiv Sena Legislature Party (including few other independent MLAs supporting them) issued notice under Rule 11 of the Maharashtra Assembly Rules read with Article 179 of the Constitution to the Deputy Speaker, Mr. Narhari Zirwal, to move the motion for removal from the office of Deputy Speaker and requested to refrain from discharging the functions of Speaker/Deputy Speaker of the Assembly from immediate effect.</p>
21.06.2022	<p>The Under Secretary, Maharashtra Legislative Secretariat vide letter dated 21.06.2022 communicated to the Secretary Shiv Sena Legislative Party office, Vidhan Bhawan, Mumbai that request to approve Mr. Ajay Choudhary as group leader of the</p>

	Shiv Sena Legislature Party has been approved.
22.06.2022	Mr. Sunil Prabhu, claiming to be group leader of the Shiv Sena Legislature Party sent notice the Petitioner to attend meeting at 5 pm on 22.06.2022.
22.06.2022	Petitioner vide letter dated 22.06.2022 responded to Mr. Sunil Prabhu's letter clearly stating that Mr. Prabhu has no authority to call the meeting of the Shiv Sena Legislature Party as the authority vests with the group leader i.e. Mr. Eknath Shinde & Mr. Bharat Gogavale, the Chief Whip and therefore the meeting called by unauthorized persons is not accordance with the procedure established under law and consequently the notice is invalid.
22.06.2022	The minority faction of the Shiv Sena Legislature Party decided to resolve in a meeting at Varsha Bungalow, Mumbai that the members who did not attend the meeting should be disciplined.
22.06.2022	Open threats issued by Mr. Sanjay Raut on national television against the Petitioner and other MLAs of the Shiv Sena Legislature Party. It was stated by him that

	<p>he would make it difficult for the Petitioner and other MLAs to move around in the State of Maharashtra when they come back to the State.</p>
24.06.2022-25.06.2022	<p>In the evening of 24.06.2022, the security which was earlier provided to the families and properties of the MLAs as per the protocols were withdrawn on the instructions of the top leadership of the MVA government.</p> <p>The Petitioner along with others (38 MLAs of Shiv Sena, 2 MLAs of Prahar Jan Shakti Party and 7 Independent MLAs) addressed a protection letter dated 25.06.2022 to the Hon'ble Governor seeking protection for which they were entitled to under the protocol and which was arbitrarily withdrawn on the instructions of the top leadership of the MVA Government</p>
25.06.2022	<p>Mr. Raut has further made statements to media on 25.06.2022 threatening the Petitioner and others that if Shiv Sainiks come out on streets, streets will be on fire.</p>
25.06.2022	<p>The Hon'ble Governor of the State of Maharashtra acted on the Protection letter/representation of MLAs on issue of security withdrawal and directed the Home</p>

	Secretary, Ministry of Home Affairs, Government of India, the Chief Secretary to the Government, State of Maharashtra and Additional Chief Secretary, Government of Maharashtra vide letters dated 25.06.2022 to take adequate steps for the protection of the MLAs families and property and also directed them to arrange for Central Security forces if need arises
25.06.2022	The Hon'ble Governor also directed the Director General of Police and Commissioner of Police, Maharashtra vide letter dated 25.06.2022 to provide immediate the protection to the MLAs, their families and their properties.
25.06.2022	The Petitioner received notice/summons of the disqualification Petition by Principal Secretary, Maharashtra Legislative Assembly i.e., Respondent No. 2 dated 25.06.2022 under Rule 6 of Maharashtra Legislative Assembly (Disqualification on ground of Defection) Rules, 1986 r/w Tenth Schedule of the Constitution of India
<u>26.06.2022</u>	Hence the Writ Petition.

IN THE SUPREME COURT OF INDIA

ORDINARY CIVIL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2022

IN THE MATTER OF:

1. Eknathrao Sambhaji Shinde
R/o Subh-Deep Bunglow, Landmark Society,
Thane, Maharashtra

...PETITIONER

VERSUS

1. DEPUTY SPEAKER
Maharashtra State Legislative Assembly,
Vidhan Bhawan,
Vidhan Bhawan Marg,
Mumbai, Maharashtra- 400 032
2. Secretary
Maharashtra State Legislative Assembly,
Vidhan Bhawan,
Vidhan Bhawan Marg,
Mumbai, Maharashtra- 400 032
3. State of Maharashtra
Through Chief Secretary
Home Department,
2nd Floor, Mantralaya,
Madame Cama Road,
Hutatma Rajguru Chowk,
Mumbai- 400 032
4. Mr. Ajay Choudhary,
64-A, Vinayak Bungalow,
Bhagwant Rao Paralkar Marg,
Parel Village, Mumbai - 400 012
5. Sunil Prabhu
603, Sai Abhishek,
Yashodham, Goregaon East,

Mumbai, Maharashtra- 400 063

6. Union of India,
Through Ministry of Home Affairs
North Block, Central Secretariat,
New Delhi 110001, India.
7. Director General of Police, Maharashtra
Old Council Hall, Maharashtra,
State Police Hd Qt, S B Marg,
Colaba, Mumbai – 400039

...RESPONDENTS

**(ALL CONTESTING
RESPONDENTS)**

**WRIT PETITION ON BEHALF OF THE PETITIONER UNDER
ARTICLE 32 OF THE CONSTITUTION OF INDIA**

**TO
THE HON'BLE THE CHIEF JUSTICE OF
INDIA AND HIS COMPANION HON'BLE
JUDGES OF THE HON'BLE SUPREME
COURT OF INDIA.**

THE HUMBLE PETITION OF THE PETITIONER ABOVE-NAMED:

MOST RESPECTFULLY SHEWETH:

1. The Petitioner herein is constrained to invoke the jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India challenging the arbitrary and illegal exercise of provisions of Schedule X of the Constitution of India read with Maharashtra Legislative Assembly (Disqualification on ground of Defection) Rules, 1986 (hereinafter referred as "**MLA Defection Rules**") by

the Respondent No. 5 which is completely violative of Article 14 and 19(1)(g) of the Constitution of India as well as the illegal and unconstitutional action of the Deputy Speaker insofar as recognizing Mr. Ajay Choudhury as the leader of the Shiv Sena Legislature Party (SSLP) despite the said request being admittedly made by a minority faction of the SSLP.

2. The Petitioner is further challenging the ex-facie illegal disqualification proceedings initiated against him at the instance of Respondent No. 5 who had no authority to issue any whip having been removed as the Chief Whip of the Shiv Sena Legislature Party and the consequent issuance of summons dated 25.06.2022 issued by the Deputy Speaker without verifying the matter.
3. The Petitioner is a member of the Maharashtra Legislative Assembly having been elected from Kopri-Pachpakhadi constituency of Thane from Shiv Sena Assembly elections held in the year 2019. The Petitioner was elected/appointed as the leader of Shiv Sena Legislature Party (hereinafter referred as “**SSPL**”) on 31.10.2019.
4. Respondent No. 1 is the Deputy Speaker, who is in charge of the House in the absence of the Speaker and who has issued the

notice/summons dated 25.06.2022 in the disqualification petition against the Petitioner.

5. Respondent No. 2 is the Secretary of Maharashtra Legislative Assembly who is responsible for administration of the State Legislative Assembly of the State of Maharashtra.
6. Respondent No. 3 is the State of Maharashtra, through Chief Secretary Home Department.
7. Respondent No. 4 Mr. Ajay Chaudhury who is illegally and unlawfully elected as leader of 16 members of Shiv Sena.
8. Respondent No. 5 is a Member of Legislative Assembly ("**MLA**") from Dindoshi constituency of Maharashtra legislative Assembly, who has now filed the Petition under Rule 6 of MLA Defection Rules seeking disqualification of the Petitioners under Para-2(1)(a) of the Tenth Schedule of the Constitution of India. He is also the illegally appointed Chief Whip of the party.
9. Respondent No. 6 is the Union of India, through Ministry of Homes Affairs.
10. Respondent No. 7 is the Director General of Police of the State of Maharashtra, who is responsible for the protection and security of the citizens of the state of Maharashtra.

11. The present petition has been necessitated in view of the complete breakdown of the government machinery and the on-going political instability in the state of Maharashtra whereby constant threats are being given to the members of the SSLP as well.
12. It is submitted that the Respondent No. 5 has filed malicious and *prime facie* not maintainable, Petition under Schedule X read with Rule 6 of MLA Defection Rules seeking disqualification of the Petitioners under Para-2(1)(a) of the Tenth Schedule of the Constitution of India despite the fact that the Petitioner enjoys 2/3rd support of the members of SSPL. Further, Respondent No. 5 has already been removed as the Chief Whip vide a resolution dated 21.06.2022 passed by a majority of the members of SSPL (as well as subsequent affirmation by way of affidavits).
13. Before advertng to the detailed facts leading of the filing of the present Petition, the sum and substance of the Petitioners' submissions before this Hon'ble Court are as follows:
- a. **The Disqualification Petition is Prima Facie not maintainable:** The Petitioner most respectfully submits that the Petitioner is the Leader of SSPL and enjoys the support of the majority members of SSPL. The Petitioner

and other members of SSPL supporting the Petitioner have not voluntarily given up their membership and have in fact have throughout maintained that they are the real Shiv Sena party. Even the resolution dated 21.06.2022 reiterates that the Petitioner and his supporters are true to the ideology of Shiv Sena and its founder Late Shri. Balasaheb Thackeray.

b. **The allegations made in the Disqualification Petition**

pertains to act of majority members of SSLP: It is further submitted that the Respondents in the Disqualification Petition are the Members of Shiv Sena Legislature Party. Pertinently, the disqualification petition pertains to the actions of more than 2/3rd members of SSLP.

c. **The Petitioner and other members of SSLP have always acted on the instructions of leader and the Chief Whip**

of the SSLP: The Petitioner most respectfully submits that the Petitioner has always acted on the instructions of democratically and lawfully elected leader of SSPL i.e. Sh. Eknathrao Sambhaji Shinde and Chief Whip i.e. Mr. Bharat Gogavale.

d. **Actions of Deputy Speaker show he is hand in glove with the MVA Government:** A back dated letter purportedly of 21.06.2022 has been issued by the Deputy Speaker recognizing Mr. Ajay Choudhury as the leader of the Shiv Sena Legislature Party (SSLP) and Mr. Sunil Prabhu as the Chief Whip of the SSLP despite the said request being admittedly made by a minority faction of the SSLP.

e. **A motion for removal of Deputy Speaker is already pending:** It is pertinent to mention that the Petitioner and other members of SSLP have already moved a motion for removal of Deputy Speaker which is pending due to which the Hon'ble Deputy Speaker is ineligible to decide any disqualification petition in view of the judgement passed by this Hon'ble Court in the matter of Nabam Rebia and Bamang Felix v Deputy Speaker Arunachal Pradesh Legislative Assembly & Ors [(2016) 8 SCC 1].

14. **BRIEF FACTS:**

- i. Before the elections to the Maharashtra State Legislative Assembly in 2019, there was a pre-poll alliance between the Shiv Sena party and the Bhartiya Janta Party (BJP). On the account of the same, the general public of the State

of Maharashtra cast their valuable votes in the favour of the Shiv Sena-BJP alliance. Elections to the 14th Maharashtra Legislative Assembly were held on 21.10.2019 for 288 seats in the Assembly.

- ii. Results to the Fourteenth Maharashtra Legislative Assembly were declared on 24.10.2019, wherein BJP got the largest number of seats in the Assembly i.e. 105 seats, after BJP, Shiv Sena secured the second largest seats in the Assembly i.e. 56 seats, followed by NCP with 54 seats and INC got 44 seats in the Assembly. The exact seats tally is as follows:

SL. NO.	NAME OF THE POLITICAL PARTY	NUMBER OF SEATS
1.	Shiv Sena	56
2.	NCP	53
3.	INC	44
4.	BJP	106
5.	BVA	3
6.	AIMIM	2
7.	SP	2

8.	PJP	2
9	CPI(M)	1
10	MNS	1
11.	PWP	1
12.	Swabhimani Paksha	1
13.	Jan Suraj	1
14.	Rashtriya Samaj Paksha	1
15.	KSP	1
16.	Independents	13
Total		288

- iii. On 31.10.2019, Mr. Eknath Shinde was elected as leader of Shiv Sena Legislature Party.
- iv. On 10.11.2019, since no single party secured absolute majority, The Hon'ble Governor of Respondent No. 1 state asked Shiv Sena if they are willing to form government in the state.
- v. After the results of the elections, Shiv Sena severed its ties with the BJP and formed its alliance with the opposing

parties against whom they contested the election. In November, 2019, Maha Vikas Aghadi (“**MVA**”), comprising of three political parties, namely, the Congress, Shiv Sena and the National Congress Party formed a Coalition Government in the State.

- vi. Mr. Nana Patole was elected as the Speaker of the Maharashtra Legislative Assembly on 02.12.2019. Mr. Narhari Zirwal was elected as the Deputed Speaker of the Assembly on 14.03.2020.
- vii. Mr. Nana Patole resigned from the post of the Speaker on 05.02.2021. Due to the resignation of Mr. Nana Patole from the post of the Speaker, Mr. Narhari Zirwal have been discharging the functions of the Speaker of Maharashtra Legislative Assembly.
- viii. During the course of the time, there was great dissatisfaction prevalent amongst the members of Shiv Sena Party on account of Corruption in the Government, Administration regarding police posting, Corruption by then Home Minister Mr. Anil Deshmukh (who is in Jail), sitting Minority Minister Mr. Nawab Malik (who is in jail) for involvement with Underworld Don Dawood Ibrahim and

corruption by Transport Minister Mr. Anil Parab (who is investigated by the Enforcement Directorate), etc.

- ix. The Petitioner along with other members of the Shiv Sena Party sensed that the principles of the Shiv Sena, which is a Hindu Marathi Regional Political Party is being compromised due to unruly coalition of political parties in which MLAs of Shiv Sena were suffering the most. During the time period of last two and half years, the Party and its leadership have compromised party principles with different ideology that of INC and NCP. The further ideology of Late Mr. Balasaheb Thackray was to give clean and honest Government for the People of Maharashtra and also without compromising on principle of National Interest.
- x. The Petitioner along with other MLAs of the Shiv Sena were constantly facing lot of humiliation on account of their support to leaders of those parties against whom we had contested Elections. The principles of Mr. Balasaheb Thackeray was always of a strong Hindu Nationalist and the Petitioner relates to such ideologies.
- xi. In view of the above-mentioned facts and circumstances, the Petitioner along with several other members of the Shiv

Sena party requested to the Hon'ble Chief Minister of the State of Maharashtra to change his way of working in the present political scenario and take steps to align his ideologies with the ideologies of the Balasaheb Thackeray. However, no such requests were entertained by the Hon'ble Chief Minister, on contrary, the Hon'ble Chief minister of State started defending the coalition partners of MVA government at the expense of the members of SSLP.

xii. Thereafter, there started a series of threats and intimidation by some leaders of Shiv Sena to the Petitioner and the members who in the interest to safeguard the ideologies of the party requested the Chief Minister to change his way of working in the State.

xiii. The requests made by the Petitioner and other MLAs fell on deaf ears and were rejected by the Chief Minister. The Petitioner as well as the other MLAs making such requests in turn started receiving threats from certain unscrupulous elements. Ultimately the Petitioner and the MLAs supporting him decided to move away from State of Maharashtra in the interest of their security and wellbeing. However, the Petitioner continues to be the leader of Shiv Sena Legislature Party and the MLAs supporting the

Petitioner continue to be members of Shiv Sena Legislature Party. Neither the Petitioner nor the MLAs who have reposed trust in the Petitioner by reaffirming his election as the leader of Shiv Sena Legislature Party. Have given up membership of Shiv Sena.

- xiv. On 21.06.2022, through the media reports, it came to the knowledge of Petitioners and others leaders of Shiv Sena Legislature Party that only 24 MLAs out of 55 MLAs of Shiv Sena Legislature Party attended an unauthorised meeting and passed a resolution to remove Mr. Eknath Shinde as the leader of Shiv Sena Legislature Party and appointing Mr. Ajay Choudhary as the group leader of Shiv Sena Legislature Party. It also came to the knowledge that Mr. Sunil Prabhu was appointed as Chief Whip. It is submitted that some of the 24 out of 55 members who had signed the said resolution, have withdrawn their consent to the said resolution and have extended support and reaffirmed the Petitioner as the leader of the Shiv Sena Legislature Party.

A true translated copy of the resolution dated 21.06.2022 passed by 24 MLAs out of 55 MLAs of Shiv Sena Legislature Party for removal of the Petitioner from the post

of party leader along with attendance sheet is annexed herewith and marked as **Annexure P-1 (Pg. No. 52 to 59)**

- xv. On 21.06.2022, 34 MLAs of the Shiv Sena Legislature Party (including few other independent MLAs supporting them) passed a resolution reaffirming that Mr. Eknath Shinde who was appointed as group leader of Shiv Sena Legislature Party on 31.10.2019 continues to be the leader of Shiv Sena Legislature Party. The Resolution clearly stated that appointment of Mr. Ajay Choudhary is illegal and void-ab-initio and thus inoperative in the eyes of law. The Resolution also stated that Mr. Bharat Gogavale was elected and appointed as Chief Whip of the Shiv Sena Legislature Party and appointment of Mr. Sunil Prabhu was resolved to be cancelled with immediate effect.

A true copy of the resolution dated 21.06.2022 reaffirming that Mr. Eknath Shinde who was appointed as group leader of Shiv Sena Legislature Party on 31.10.2019 continues to be the leader of Shiv Sena Legislature Party is annexed herewith and marked as **Annexure P-2 (Pg. No. 60 to 66)**

xvi. 34 MLAs of the Shiv Sena Legislature Party (including few other independent MLAs supporting them) wrote a letter dated 21.06.2022 to the Deputy Speaker informing him that the majority have reaffirmed the appointment of Mr. Eknath Shinde as the group leader of the Shiv Sena Legislature Party therefore not to recognise Mr. Ajay Choudhary as the leader of the Shiv Sena Legislature Party of the 14th Maharashtra Legislative Assembly.

A true translated copy of the letter dated 21.06.2022 addressed to the Deputy Speaker informing him that the majority reaffirmed the appointment of Mr. Eknath Shinde as the group leader of the Shiv Sena Legislature Party is annexed herewith and marked as **Annexure P-3(Pg. No. 67 to 68)**

xvii. 34 MLAs of Shiv Sena Legislature Party (including few other independent MLAs supporting them) issued notice under Rule 11 of the Maharashtra Assembly Rules read with Article 179 of the Constitution to the Deputy Speaker, Mr. Narhari Zirwal, to move the motion for removal from the office of Deputy Speaker and requested him to refrain from discharging the functions of Speaker/Deputy Speaker of the Assembly from immediate effect.

A true translated copy of the notice dated 21.06.2022 issued on behalf of 34 MLAs under Rule 11 of the Maharashtra Assembly Rules read with Article 179 of the Constitution of India to the Deputy Speaker for his removal from the office of the Deputy Speaker is annexed herewith and marked as **Annexure P-4 (Pg. No. 69-73)**

xviii. The Under Secretary, Maharashtra Legislative Secretariat vide letter dated 21.06.2022 communicated to the Secretary Shiv Sena Legislative Party office, Vidhan Bhawan, Mumbai that request to recognise Mr. Ajay Choudhary as group leader of the Shiv Sena Legislature Party has been approved.

A true translated copy of the letter dated 21.06.2022 by the Under Secretary, Maharashtra Legislative Secretariat to the Secretary Shiv Sena Legislative Party office is annexed herewith and marked as **Annexure P-5 (Pg. No. 74)**

xix. Mr. Sunil Prabhu, claiming to be group leader of the Shiv Sena Legislature Party sent notice dated 22.06.2022 to the Petitioner to attend meeting at 5 pm on 22.06.2022.

A true translated copy of the Notice dated 22.06.2022 by Mr. Sunil Prabhu to the Petitioner is annexed herewith and marked as **Annexure P-6 (Pg. No. 75-76)**

- xx. The Petitioner vide letter dated 22.06.2022 responded to Mr. Sunil Prabhu's letter clearly stating that Mr. Prabhu has no authority to call the meeting of the Shiv Sena Legislature Party as the authority vests with the group leader i.e. Mr. Eknath Shinde & Mr. Bharat Gogavale, the Chief Whip and therefore the meeting called by unauthorised persons is not accordance with the procedure established under law and consequently the notice is invalid.

A true translated copy of the reply dated 22.06.2022 by Mr. the Petitioner to Mr. Sunil Prabhu is annexed herewith and marked as **Annexure P-7 (Pg. No. 77-78)**

- xxi. In so called meeting of the Shiv Sena Legislature Party, 14 out of 55 MLAs of the Shiv Sena Legislature Party held at Varsh Bunglow Mumbai resolved those members who did not attend the meeting should be disqualified.

A true translated copy of the resolution dated 22.06.2022 passed by the 14 members of the Shiv Sena Legislature Party along with the attendance sheet is annexed herewith and marked as **Annexure P-8 (Pg. No. 79 to 85)**

xxii. That through the media reports on 22.06.2022, it came to the knowledge of the Petitioner that open threats are being issued by Mr. Sanjay Raut on national television against the Petitioner and other MLAs of the Shiv Sena Legislature Party. It was stated by him that he would make it difficult for the Petitioner and other MLAs to move around in the State of Maharashtra when they come back to the State.

A true copy of the media report dated 22.06.2022 is annexed herewith and marked as **Annexure P-9 (Pg. No. 86 to 87)**

xxiii. In the evening of 24.06.2022, the security which was earlier provided to the families and properties of the MLAs as per the protocols were withdrawn on the instructions of the top leadership of the MVA government. The Petitioner along with others (38 MLAs of Shiv Sena, 2 MLAs of Prahar Jan Shakti Party and 7 Independent MLAs) addressed a protection letter dated 25.06.2022 to the Hon'ble Governor

seeking protection for which they were entitled to under the protocol and which was arbitrarily withdrawn on the instructions of the top leadership of the MVA Government. Further, Mr. Raut made statements to media on 25.06.2022 threatening the Petitioner and others that if Shiv Sainiks come out on streets, streets will be on fire.

A true copy of the Protection letter dated 25.06.2022 filed by the MLAs before the Hon'ble Governor of the State of Maharashtra is annexed herewith and marked as **Annexure P-10 (Pg. No. 88 to 100)**

A true copy of the media report dated 25.06.2022 mentioning the statement of Mr. Sanjay Raut is annexed herewith and marked as **Annexure P-11 (Pg. No. 101 to 104)**

- xxiv. The Hon'ble Governor of the State of Maharashtra acted on the Protection letter/representation of MLAs on issue of security withdrawal and directed the Home Secretary, Ministry of Home Affairs, Government of India, the Chief Secretary to the Government, State of Maharashtra and Additional Chief Secretary, Government of Maharashtra vide letters dated 25.06.2022 to take adequate steps for

the protection of the MLAs families and property and also directed them to arrange for Central Security forces if need arises.

A true copy of the letter dated 25.06.2022 addressed by the Hon'ble Governor of the State of Maharashtra to the Home Secretary, Ministry of Home Affairs, Government of India is annexed herewith and marked as **Annexure P-12 (Pg. No. 105)**

A true copy of the letter dated 25.06.2022 addressed by the Hon'ble Governor of the State of Maharashtra to the Chief Secretary to the Government, State of Maharashtra is annexed herewith and marked as **Annexure P-13 (Pg. No. 106)**

A true copy of the letter dated 25.06.2022 addressed by the Hon'ble Governor of the State of Maharashtra to the Additional Chief Secretary, Government of Maharashtra is annexed herewith and marked as **Annexure P-14 (Pg. No. 107)**

xxv. The Hon'ble Governor also directed the Director General of Police and Commissioner of Police, Maharashtra vide letter

dated 25.06.2022 to provide immediate the protection to the MLAs, their families and their properties.

A true copy of the letter dated 25.06.2022 addressed by the Hon'ble Governor of the State of Maharashtra to the Director General of Police, Maharashtra is annexed herewith and marked as **Annexure P-15 (Pg. No. _____ 108 _____)**

A true copy of the letter dated 25.06.2022 addressed by the Hon'ble Governor of the State of Maharashtra to the Commissioner of Police, Maharashtra is annexed herewith and marked as **Annexure P-16 (Pg. No. _____ 109 _____)**

xxvi. The Petitioner received notice/summons of the disqualification Petition by Principal Secretary, Maharashtra Legislative Assembly i.e., Respondent No. 2 dated 25.06.2022 under Rule 6 of Maharashtra Legislative Assembly (Disqualification on ground of Defection) Rules, 1986 r/w Tenth Schedule of the Constitution of India.

A true translated copy of the notice/summons dated 25.06.2022 by the Respondent No. 2 on the orders of Deputy Speaker, State of Maharashtra is annexed herewith and marked as **Annexure P-17 (Pg. No. _____ 110-111 _____)**

A true Copy of the Disqualification Petition filed by Respondent No. 5 against the Petitioner is annexed herewith and marked as **Annexure P-18 (Pg. No. 112-122)**

15. **GROUND:**

The Petitioner is filing the present Writ Petition on the following, amongst other, grounds which are taken in the alternative and without prejudice to each other:

I. Deputy Speaker cannot disqualify any member under Schedule X of the Constitution of India during the pendency of his own removal resolution.

A. Because this Hon'ble Court in *Nabam Rebia & Bamang Felix v. Dy. Speaker, Arunachal Pradesh Legislative Assembly*, (2016) 8 SCC 1, has held that the Speaker or the Deputy Speaker during the time of the pendency of a notice of resolution for removal cannot disqualify any member. The relevant paragraph of the said judgement is reproduced herein below for ready reference:

189. *When the position of a Speaker is under challenge, through a notice of resolution for his removal, it would "seem" just and appropriate,*

that the Speaker first demonstrates his right to continue as such, by winning support of the majority in the State Legislature. The action of the Speaker in continuing, with one or more disqualification petitions under the Tenth Schedule, whilst a notice of resolution for his own removal, from the Office of the Speaker is pending, would “appear” to be unfair. If a Speaker truly and rightfully enjoys support of the majority of the MLAs, there would be no difficulty whatsoever, to demonstrate the confidence which the Members of the State Legislature, repose in him. The Office of the Speaker, with which the Constitution vests the authority to deal with disqualification petitions against MLAs, must surely be a Speaker who enjoys confidence of the Assembly. After all, disposal of the motion under Article 179(c), would take no time at all. As soon as the motion is moved, on the floor of the House, the decision thereon will emerge, forthwith. Why would a Speaker who is confident of his majority, fear a floor test? After his position as the Speaker is affirmed, he would assuredly and with conviction, deal with the disqualification petitions, under the Tenth Schedule. And, why should a Speaker who is not confident of facing a motion, for his removal, have the right to adjudicate upon disqualification petitions, under the Tenth Schedule? The manner in which the matter has been examined hereinabove, is on ethical considerations. A constitutional issue, however, must have a constitutional answer. We shall endeavour to deal with the constitutional connotation of the instant issue, in the following paragraphs.

190. *Just like the other provisions of the Constitution (interpreted by us hereinabove), it would be apposite to ascertain the desired intent of the Framers of the Constitution, emerging from the Constituent Assembly Debates, with reference to Article 179(c). In the Draft Constitution, the present Article 179 was numbered as draft Article 158. One of the issues debated, with reference to draft Article 158(c)*

was, with reference to the words “all the then Members of the Assembly”, used therein. The above words were used to define, those who would participate in the motion, for the removal of the Speaker. Needless to mention, that the said words were retained in the final draft, in Article 179(c). One of the members of the Constituent Assembly had suggested substitution of the above words, by the words, “the Members of the Assembly present and voting”, as under: (CAD Vol. 8, p. 561)

“Mr Mohd. Tahir.—Sir, I beg to move:

‘That in clause (c) of Article 158, for the words “all the then Members of the Assembly” the words “the Members of the Assembly present and voting” be substituted.’

Clause (c) runs as follows:

‘(c) may be removed from his Office for incapacity or want of confidence by a resolution of the Assembly passed by a majority of all the then Members of the Assembly.’

Sir, so far as I can understand the meaning of the wording, “all the then Members of the Assembly”, it includes all the Members of the Assembly. Supposing a House is composed of 300 Members, then, it will mean all the Members of the Assembly, that is, 300. Supposing fifty Members of the House are not present in the House, then, those Members will not have the right to give their votes so far as this question is concerned. Therefore, I think that it would be better that this matter should be considered by only those Members who are present in the Assembly and who can vote in the matter. If this phrase “all the then Members of the Assembly” means the Members who are present in the Assembly, then, I have no objection. If it means all the Members of which the House is composed, I think it is not desirable to keep the clause as it stands.

With these few words, I move my amendment.”

(emphasis supplied)

The Constituent Assembly Debates, do not appear to have recorded any discussion on the above amendment. The decision on the proposed

amendment was however minuted as under:
(CAD Vol. 8, p. 562)

“Mr President.—The question is:

‘That in clause (c) of Article 158, for words “all the then Members of the Assembly” the words “the Members of the Assembly present and voting” be substituted.’

The amendment was negatived.”

(emphasis supplied)

It is apparent, that the Constituent Assembly chose to retain the words, “all the then Members of the Assembly”, and declined to substitute them with the words, “the Members of the Assembly present and voting”. We are of the view, that the acceptance of one set of words, and the rejection of the suggested substitution, would effectively render a constitutional answer to the issue in hand.

191. Article 179(c) provides that a Speaker (or Deputy Speaker), “may be removed from his Office by a resolution of the Assembly passed by a majority of all the then Members of the Assembly”. A notice of resolution for the removal of the Speaker (or the Deputy Speaker) of the Assembly, would therefore, have to be passed by a majority “of all the then Members of the Assembly”. The words “all the then Members” included in Article 179(c), are a conscious adage. If the words “all the then Members” are excluded from clause (c) of Article 179, it would affirm the interpretation which the appellants, wish us to adopt. The connotation placed by the appellants, would legitimise the action of the Speaker, in going ahead with the proceedings under the Tenth Schedule, even though a notice of resolution for his removal from the Office of the Speaker was pending. **The words “all the then Members” were consciously added to Article 179(c), and their substitution was not accepted by the Constituent Assembly. We are satisfied that the words “passed by a majority of all the then Members of the Assembly”, would prohibit the Speaker from going ahead with the disqualification proceedings under the Tenth Schedule, as**

the same would negate the effect of the words “all the then Members”, after the disqualification of one or more MLAs from the House. The words “all the then Members”, demonstrate an expression of definiteness. Any change in the strength and composition of the Assembly, by disqualifying sitting MLAs, for the period during which the notice of resolution for the removal of the Speaker (or the Deputy Speaker) is pending, would conflict with the express mandate of Article 179(c), requiring all “the then Members” to determine the right of the Speaker to continue.

192. It would also be relevant to notice, that the Tenth Schedule was inserted in the Constitution, by the Constitution (Seventy-third Amendment) Act, 1992, with effect from 24-4-1993. The purpose sought to be achieved through the Tenth Schedule, is clear and unambiguous. The same is unrelated to, and distinct from, the purpose sought to be achieved through Article 179(c). Neither of the above provisions, can be seen as conflicting with the other. Both, must, therefore, freely operate within their individual constitutional space. Each of them will have to be interpreted, in a manner as would serve the object sought to be achieved, without treading into the constitutional expanse of the other. The interpretation would have to be such, as would maintain constitutional purpose and harmony. We would now venture to examine the instant issue from the above perspective, in the following paragraph.

193. If a Speaker survives the vote, on a motion for his removal from the Office of the Speaker, he would still be able to adjudicate upon the disqualification petitions filed under the Tenth Schedule. The process of judicial review, cannot alter the above position. But, if a disqualification petition is accepted by the Speaker, the disqualified MLAs will have no right to participate in the motion moved against the Speaker under Article 179(c). A disqualified MLA,

as we all know, can assail the order of his disqualification, by way of judicial review. If he succeeds, and his disqualification from the House is set aside, such a disqualified MLA, would be deprived of the opportunity to participate in the motion against the Speaker, under Article 179(c). In this situation, the process of judicial review, can also alter the position, if a disqualification order passed by the Speaker, is set aside by a court of competent jurisdiction. In the event of an MLA having been disqualified by the Speaker, the notice of resolution for the removal of the Speaker, would surely be dealt with, and will be disposed of, during the period when the MLA concerned stood disqualified. Alternatively, if an MLA has not been disqualified when the motion for the removal of the Speaker is taken up, he would have the right to vote on the motion pertaining to the removal of the Speaker, whereafter, the petition for his own disqualification would certainly be considered and decided, by the Speaker. It is apparent that the difficulty arises only if the disqualification petition is taken up first, and the motion for the removal of the Speaker is taken up thereafter. The possibility of a disqualification petition being decided on political considerations, rather than on merits, cannot be ignored. In fact, that is a real possibility. Therefore, while it will not adversely affect the Speaker, if he faces the motion of his own removal from the Office of the Speaker, before dealing with the disqualification petitions, it could seriously prejudice MLAs facing disqualification, if petitions for their disqualification are taken up and dealt with first. The adoption of the former course, would also result in meaningfully giving effect to the words "all the then Members" used in Article 179(c), as discussed in the foregoing paragraph. This interpretation would also purposefully give effect to the rejection of the amendment suggested during the Constituent Assembly Debates, that the motion for removal of the Speaker, should be the majority of "the Members of the Assembly present and voting". This interpretation would

also result in disregarding the retention of the words “all the then Members of the Assembly”, in Article 179(c). If the Speaker faces the motion of his own removal first, both the constitutional provisions would have their independent operational space preserved. None of the constitutional provisions concerned would interfere with the free functionality of the other, nor would one usurp the scheme postulated for the other. We are, therefore, of the view that constitutional purpose and constitutional harmony would be maintained and preserved, if a Speaker refrains from adjudication of a petition for disqualification under the Tenth Schedule, whilst his own position, as the Speaker, is under challenge. This would also, allow the two provisions [Article 179(c) and the Tenth Schedule] to operate in their individual constitutional space, without encroaching on the other.

194. *For the reasons recorded hereinabove, we hereby hold, that it would be constitutionally impermissible for a Speaker to adjudicate upon disqualification petitions under the Tenth Schedule, while a notice of resolution for his own removal from the Office of the Speaker, is pending.*

B. Because the Respondent No. 5 in the utter disregard to the above law laid down by this Hon’ble Court, has initiated disqualification proceedings against the Petitioners under Para-2(1)(a) of the Tenth Schedule of the Constitution of India.

C. BECAUSE it the violation of the Article 179(C) of the Constitution of India as the said Article clearly provides that a speaker (or Deputy Speaker), “may be

removed from his Office by a resolution of the Assembly passed by a majority of all the then Members of the Assembly”. A notice of resolution for the removal of the Speaker (or the Deputy Speaker) of the Assembly, would therefore, have to be passed by a majority “of all the then Members of the Assembly”. The words “of all the then Members of the Assembly” denotes all the members present and voting. The landmark judgment of *Nabam Rebia & Bamang Felix (supra.)* clearly establishes the fact that the Speaker or the Deputy Speaker during the time of the pendency of their resolution for removal cannot disqualify any member.

D. BECAUSE the disqualification proceedings initiated against the Petitioner is invalid and against the various provisions of the Constitution of India as the resolution for removal of the Deputy Speaker is already pending for decision and the disqualification of the Petitioner is liable to be set aside solely on this ground.

II. The action of the Deputy Speaker in recognising Respondent No. 4 and Respondent No. 5 as Leader and Chief Whip of SSLP is illegal.

E. As the sequence of events would show a letter dated 21.06.2022 was issued by the Chief Minister to the Deputy Speaker referring to a meeting allegedly held on 26.02.2022, whereby the Petitioner was removed as the leader of SSLP Legislature Party and Respondent No. 4 was appointed as the Leader of SSLP. The Resolution itself shows that Respondent No. 4 was allegedly appointed as the leader of SSLP by a minority faction.

F. To the contrary a majority of members of SSLP have reaffirmed and reappointed the Petitioner as the leader of the SSLP and appointed Shri. Bharat Gogawale as the Chief Whip. Vide Letter dated 21.06.2022 the Secretary, Legislative Assembly informed that the allegedly change in the Leader of SSLP has been accepted by the Deputy Speaker and that the appointment of and Respondent No. 4 as Leader of SSLP has been accepted.

G. It is submitted that the acceptance of the alleged change in the leader of the SSLP and the acceptance of the same by the Dy. Speaker is itself illegal.

Admittedly, the appointment of Respondent No. 4 has been made by 14 MLAs out of 55 MLAs of the SSLP whereas the resolution re-appointing the Petitioner as the Leader of SSLP and the appointment of Sri. Bharat Gogawale is signed by majority members of SSLP. In view of the clear scenario which emerges from the record, the Dy. Speaker ought not to have recognized Respondent No. 4 as the Leader of SSLP.

H. Rule 2(f) of the Disqualification Rules, define "Leader" to mean Leader of the Legislature Party chosen by it as its Leader. The word Party thus employed in Rule 2(f) necessarily means Legislature Party and therefore appointment of the Leader of Legislature Party ought to be made unanimously or at any rate by a majority or the Members of the Legislature Party. The Petitioner reappointed as the Leader of the Legislature Party and the Chief Whip respectively by a majority faction. The Deputy Speaker therefore ought to have recognize the Petitioner as the Leader of SSLP and Shri. Bharat Gogawale as the Chief Whip.

- I. On the contrary, the Respondent No. 1 acting hand in glove with the Government has chosen to mechanically accept the appointment of Respondent No. 4 and Respondent No. 5 as the Leader and Chief Whip respectively of SSLP thereby impliedly rejecting the status of the Petitioner as Leader of SSLP backed by a majority of the Members.
- J. The Petitioner therefore submits that the Respondent No. 1 ought to have first applied his mind to the extant factual position as emanating from the record and adjudicated rival claims qua the status of Leader and Chief Whip of SSLP by appreciating that a majority of the members of the SSLP have appointed the Petitioner as Leader of SSLP and Shri. Bharat Gogavale as the Chief Whip.
- K. BECAUSE the resolution to appoint Respondent No. 4 as new leader of the party was signed only by 16 MLAs, however, majority of sitting MLAs have elected the Petitioner as the leader of Shiv Sena Legislative Party. The Petitioner most respectfully submit that majority of MLAs have democratically elected him as their lawful leader and any other resolution, to

appoint any other leader, passed by the minority MLAs cannot be considered as a lawful appointment, on contrary, such minority leader who acted against the resolution passed by the Shiv Sena Legislative Party shall be liable under defection laws and be disqualified on this ground alone.

L. It is further submitted that while the said order is dated 21.06.2022, the same was published in the media only on 24.06.2022. Further, the Petitioner was not even given any notice before passing the said order despite being himself being the gatneta/leader of the Shiv Sena Legislature Party.

III. "The Disqualification Petition is ex facie not maintainable and suffers from lack of requisite reasons as mentioned in Schedule X.

M. The Maharashtra Legislative Assembly has framed the Members of Maharashtra Legislative Assembly (Disqualification on the ground of Defection) Rules, 1986 under Paragraph 8 of the 10th Schedule to the Constitution of India. Rule 6 deals with the Disqualification Petitions and Rule 6 (4)(a) requires

agree Disqualification Petition to contain a concise statement of “Material Facts”.

N. Perusal of the Disqualification Petitions as framed and filed would show that conspicuously absent in the same are any averments much less material averments to conclusively show that the Petitioner has incurred any Disqualification under Paragraph 2 of the 10th Schedule. It is the case of Respondent No.5, that absence from meetings allegedly held on 21.06.2022 and 22.06.2022 amount to disobedience of the alleged whip issued by Respondent No.5 and on the basis of the same it can be inferred that the Petitioner has voluntarily given up membership of SSLP. The other contentions are that by passing Resolution of reaffirmation of the Petitioner as the leader of SSLP, the Petitioner and other members have engaged in activity against the party.

O. The Petitioner submits that the whip contemplated under Paragraph 2 of the Tenth Schedule is for a vote on the Floor of the House and no whip could have been issued for a meeting admittedly held outside the House. The Tenth Schedule of the Constitution of

India talks of only the violation of a whip on the floor of the House & it doesn't cover any act of an MLA of not attending any meeting etc. of the Party outside the Vidhan Sabha. The Petitioner submits that a meeting of the Party not concerned with business or vote on the Floor of the House cannot be converted into a weapon to disqualify duly elected members under the garb of the Tenth Schedule. The Tenth schedule of the Constitution of India, talks of only the violation of a writ on the floor of the house and it does not cover any act of an MLA of not attending any meeting etc. of the party outside the Vidhan Sabha.

P. The Hon'ble Supreme Court has time and again interpreted the term "Material Facts" and if viewed in the wake of such judgments by this Hon'ble Court, the Disqualification Petition falls hopelessly short of the necessary averments and the Rules of pleadings. The Disqualification Petition is entirely and completely vague and besides bringing a few instances on record which pertain to the internal working of SSLP, not a single instance of either giving a membership of the Shiv Sena or disobedience of

any whip qua a vote in the house has been brought on record.

Q. Because the actions of the Respondent No. 1 are in violation of the fundamental rights of the Petitioners are guaranteed to them under Article 19(1)(g) and Article 14 of the Constitution of India.

R. Because the malafide of the Respondent No. 1 is evident from the fact that he has issued a purported order dated 21.06.2022 recognizing Respondent No. 4 as the leader of the Shiv Sena Legislature Party (SSLP) and Mr. Sunil Prabhu as the Chief Whip of the SSLP despite the said request being admittedly made by a minority faction of the SSLP.

IV. Respondent No. 5 had no authority to issue any whip on behalf of SSLP.

S. The Petitioner submits that a majority of Members of SSLP have already appointed Shri. Bharat Gogawale as the Chief Whip and the appointment of Respondent No.5 as Chief Whip has been annulled. Respondent No.5 therefore had no authority

whatsoever to alleged whip dated 21.06.2022 and 22.06.2022.

T. A perusal of the Disqualification Petition will show that the Petitioner is sought to be disqualified on the ground that the Petitioner did not attend the meetings dated 21.06.2022 and 22.06.2022 and therefore was guilty of disobeying the alleged whip. It is on these grounds that the Disqualification Petition illegally states that the Petitioner and his supporters have voluntarily given up membership of SSLP.

U. The Deputy Speaker therefore ought to have appreciated that Respondent No.5 has been removed as Chief Whip of SSLP by a majority of the members and therefore any alleged whip issued by him has no sanctity in law. If the Petitioner is right in saying that Respondent No. 5 had no authority to issue any whip, a natural corollary to that is that any alleged disobedience of such illegal whip cannot and could not have been the basis of a disqualification petition.

V. It is pertinent to mention that the Petitioner and a majority of the members of SSLP in fact represent the

real SSLP and that they are in majority at the present time period. In view of the said fact, the disqualification on the ground of absence from the meeting by a minority faction of the Legislature Party is wholly unsustainable in law.

W. Because attending a meeting of the party (specially outside of the assembly) cannot qualify as a whip as per law or any parliamentary practice.

V. MEANING OF “VOLUNTARILY GIVING UP MEMBERSHIP”

X. Because the meaning of the words “*voluntarily giving up membership*” has not been defined under the law. The Oxford dictionary defines voluntary as “done, given, or acting of one’s own free will”. It is pertinent to submit that the definition of the “*voluntarily giving up membership*” has been referred in Ravi Naik versus Union of India, 1994, and other cases by this Hon’ble Court. However, without any definite legal definition and interpretation of the said words, the meaning should be deduced from the facts and circumstances of each case. The facts of Ravi Naik versus Union of India, 1994 is entirely different and

does not apply to the Petitioner as in the said case, the MLA himself went to Governor and submitted before him that he is no longer associated with MGP party and does not extend his support to the said party any longer.

Y. Because in the present facts and circumstances, the Petitioner has not given up their membership of the Shiv Sena party. The Respondent on the assumption of the facts that the absence of the Petitioners from the meetings conducted by the Shiv Sena gives the impression that the Petitioner has voluntarily given up their membership and moved the disqualification petition against the Petitioners is arbitrary, unjust and illegal in the eyes of law.

VI. The Disqualification Summon dated 25.06.2022 is ex facie illegal and de hors the Rules.

Z. The Petitioner submits that the Respondent No. 1 acting in connivance with the Shiv Sena Leadership has issued the Summon dated 25.06.2022 on the disqualification petition without applying his mind to the facts before him. Firstly, the disqualification Summon dated 25.06.2022 has been issued by the

Deputy Speaker without proper adjudication on who has the rightful claim as the Leader of SSLP and Chief Whip of SSLP. It is reiterated that the Dy. Speaker has mechanically accepted the appointment of Mr. Ajay Chaudhary and Mr. Sunil Prabhu as Leader of SSLP and Chief Whip of SSLP respectively without appreciating that their appointment was not backed by a majority of the members of SSLP whereas the claim of the Petitioner and Mr. Bharat Gogawale was backed by as many as 37 out of 55 members of SSLP. Therefore, it was incumbent upon the Dy. Speaker to first properly adjudicate the rightful claim and then issue the Impugned disqualification notice.

AA. The disqualification notice is classic example of the Respondent No. 1 acting hand in glove with the Government in an attempt to hastily disqualify the Petitioner along with other supporters. The Disqualification Rules and the Maharashtra Legislative Assembly Rules are sought to be completely bypassed. A perusal of the Disqualification Notice dated 25.06.2022 would show

that the Petitioner has been granted merely 48 hrs. to reply to the same. Rule 7(3)(b) of the disqualification rule reads as under:

“3.If the Petition complies with the requirements of Rule 6, the Speaker shall cause copies of the Petition and of the annexures thereto to be forwarded,-

(c) To the member in relation to whom the Petition has been made; and

(d) Where such member belongs to any legislature party and such Petition has not been made by the leader thereof, also to such leader;

And such member or leader shall within seven days of the receipt of such copies, or within such further period as the Speaker may for sufficient cause allow, forward his comments in writing thereon to the Speaker.”

BB. It would therefore be clear that a person sought to be disqualified under the rules is entitled to a period of at least 7 days further extendable by the Speaker to submit his comments on the disqualification Petition. This period of 7 days is sought to be illegally curtailed by granting the Petitioner merely 48 hrs. to reply to the disqualification Petition which is nothing but an eyewash to put a façade of compliance of the rules. The Petitioner therefore submits that the disqualification notice dated 26.05.2022 is completely

mala fide with a view to illegally disqualify the Petitioner.

CC. The Petitioner apprehends that the Deputy Speaker acting on the directions of the Government shall not grant a fair opportunity to the Petitioner for defending the disqualification Petition and shall hastily decide the disqualification Petition. The mala fides in issuance of the disqualification notice is further manifested from the fact that out of 40 supporters of the Petitioner belonging to SSLP, the disqualification proceedings have been initiated against only 16 members with an oblique motive to cut down the strength of the Petitioner by illegal means.

DD. That it has been held by this Hon'ble Court in the case of Kihoto Hollohan Vs. Zachillhu & Ors. in 1992 Supp. (2) SCC 651 has held that, the Speaker/Deputy Speaker while deciding disqualification Petition under the 10th Schedule as such a Tribunal and therefore it is incumbent upon the Deputy Speaker to afford a reasonable opportunity of hearing and defending his case to the Petitioner.

EE. Rule 7(7) of the disqualification rules, further states that the procedure to be adopted by the Speaker shall be the same as that of the privilege committee and therefore the hasty action of the Deputy Speaker in attempting to call for response from the Petition in nearly 48 hrs. clearly shows the intention behind the same.

FF. That Mr. Narhari Zirwal who is officiating as the DS of the MLA belongs to NCP. Ordinarily a member having been elected as Speaker/DS, resigns from his membership of the political party but in the present case Mr. NJ did not resign from the membership of the NCP. Rather he is actively participating in the activities of the NCP, which is totally opposed to the ideology of the Shiv Sena. Because of him and his party supporting the minority faction of Shiv Sena, his actions are biased, based on malafide considerations totally against the principles of the constitution and based only on the consideration of helping his political party whereas as per the constitutional requirement, he is supposed to act in a quasi-judicial manner and decide the issues

objectively. Because of malafide the Petitioner does not expect justice at all from Mr. Narhari Zirwal, the present DS, who, it seems is bent upon acting on the directions of the leaders opposed to the Petitioner and his colleagues.

VII. Violation of Fundamental Rights of the Petitioner (Article 14 and 19(1)(g)) and 21:

GG. The actions of the Respondent No. 1 are in violation of the fundamental rights of the Petitioners are guaranteed to them under Article 19(1)(g) and Article 14 of the Constitution of India.

HH. The Disqualification Petition has been filed by the Respondent No. 5 against the Petitioner in violation of several provisions of the Constitution and Maharashtra Legislative Assembly (Disqualification on ground of Defection) Rules, 1986.

II. The biasness of Respondent No. 1 in accepting and approving the resolution of election of Respondent No. 4 and 5 as party leader and Chief whip by minority faction of the members and not accepting

the resolution reaffirming the appointment of the Petitioner as party leader passed by majority.

JJ. This is also in violation of the Petitioner's fundamental right of performing his duties/occupation in terms of Article 19(1)(g) of the Constitution of India.

KK.BECAUSE the Respondent miserably failed to follow the principals of Natural Justice while passing the so called "Resolution" for removal of the Petitioner from the Shiv Sena. The Petitioner most respectfully submits that the Respondent No. 1, 2 and 3 failed to follow principal of natural justice, which not only the Constitution of India but also constitution/rules framed by Shiv Sena itself. Further, the Respondent No. 1 to 3 have violated all the provisions of law, just in order, to remove the Petitioner as member of Shiv Sena which is also clear from the fact that the Respondent No. 1,2 and 3 did not even granted sufficient time period, as provided under the Disqualification Rules, for filing the reply to the Disqualification Petition.

LL. BECAUSE the meeting which was held on 21.06.2022 was called without there being any agenda or without issuing any prior notice for the meeting. The Petitioner most respectfully submits that the meeting dated 21.06.2022 due to which the resolution was passed against the Petitioner, was summoned without complying with the basic norms/rules for calling the party meeting. It is submitted that the meetings dated 21.06.2022 and 22.06.2022 were called with sole agenda to illegally remove the Petitioner from the party.

MM. Because the Petitioner most respectfully submits that when the Petitioner was appointed as the member/chief whip of the party, all the 55 MLAs were present, however, when the Respondent issued the resolution for removal of the Petitioner, less than 35% MLAs of the SSPL were present which itself makes the resolution unauthorized and illegal. Further, it is also pertinent to note that the meeting which was held on 21.06.2022 there were around 25 MLAs and just after one day and realising the illegal approach of top leader of MVA government, only 14

MLAs remained to attend the meeting which held on 22.06.2022.

NN. Because the Petitioner and his other colleagues are receiving threats to their lives on a daily basis regarding their life and liberty. It is submitted that the Respondents have not only withdrawn the security from their residence / family members, rather repeated attempts are being made to instigate the party cadres. This has also resulted in vandalizing of the properties of some of the colleagues of the Petitioner and there is serious threat to their life. This, in the humble submission of the Petitioner is a serious violation of the Petitioner's rights under Article 21 which also includes right to live with dignity.

16. The Petitioners have no other alternative efficacious remedy but to approach this Hon'ble Court by way of instant petition under Article 32 of the Constitution of India.

17. The Petitioners have not filed any other petition seeking similar relief before the Hon'ble high Court or this Hon'ble Court.

PRAYER


In the grounds set forth above, it is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a. Issue a writ of prohibition/mandamus or any other appropriate writ, direction or order, directing the Respondent No. 1 to not take any action in the Disqualification Petition under Rule 6 of MLA Defection Rules seeking disqualification of the Petitioners under Para-2(1)(a) of the Tenth Schedule of the Constitution of India pending before Hon'ble Speaker of Maharashtra State Legislative Assembly and not take any action on the same until the resolution for removal of Deputy Speaker is decided;
- b. Issue a writ of prohibition/mandamus or any other appropriate writ, direction or order, interim in nature stay the effect and operation of the notice dated 25.06.2022 issued to the Petitioner by the Respondent No. 1;
- c. Issue a writ of certiorari or any other appropriate writ, order or direction hold and declare that the Letter/order dated 21.06.2022 passed by the Respondent No. 1 accepting the appointment of Respondent No. 4 as Leader of Shiv Sena Legislature Party is illegal and

unconstitutional and be pleased to quash and set aside the same;

- d. By a writ of Mandamus or any other appropriate writ, order or direction, interim in nature, stay the effect and operation of the letter/order dated 21.06.2022 passed by the Deputy Speaker recognising the appointment of Respondent No. 4 as Leader of Shiv Sena Legislature Party;
- e. By a writ of Mandamus or any other writ, direct Respondent No. 6 and Respondent No. 7 to provide security to the family of the Petitioner and all his supporters within the SSLP;
- f. Pass any other Order or direction as this Hon'ble Court may deem fit in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONERS AS IN DUTY BOUND, SHALL EVER PRAY.

 FILED BY
[ABHINAY SHARMA]

Date: 26.06.2022

Place: New Delhi

**IN THE SUPREME COURT OF INDIA
ORDINARY CIVIL JURISDICTION
WRIT PETITION (CIVIL) NO. _____ OF 2022**

IN THE MATTER OF:

Mr. Eknathrao Sambhaji Shinde ...PETITIONER
Versus
DEPUTY SPEAKER & Ors ...RESPONDENTS

AFFIDAVIT

I, Mr. Eknathrao Sambhaji Shinde, S/o Sh. Sambhaji Navlu Shinde, Aged about 58 years, R/o Subh-Deep Bunglow, Landmark Society, Thane, Maharashtra, presently at Guwahati, do hereby solemnly affirm and declare as under:

1. That I am the Petitioner in the above captioned Writ Petition, am well acquainted with the facts and circumstance of the case and as such competent to swear the present affidavit.
2. That I have been explained the averments made in at Pages B to Q of the List of Dates with Events and Page Nos. 1 to 51 of the Writ Petition and I.As and I fully understood the same I say that the contents made therein are all true and correct to the best of my knowledge and belief.
3. That the Annexure P-1 to P-18 filed with this Writ Petition are true copies of their respective original.




GAGAN BOKALIA,
NOTARY GOVT. OF INDIA
Guwahati (Assam)
Regd. No.- 13519


*
DEPONENT

25 JUN 2022

VERIFICATION

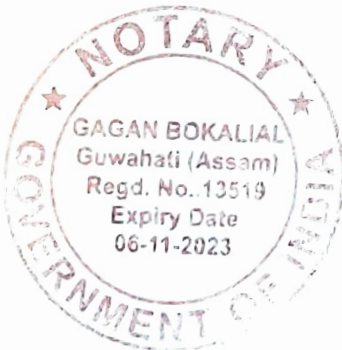
I, the deponent above named do hereby verify that averments made in this affidavit Para 1 to 3 are true and correct to the best of my knowledge and belief. No. part of it false and nothing material has been concealed therefrom.


Verified at *Guwahati* on this *25th* day of *June*, 2022

Identified by

Advocate
Enrolment No. *D.16296/2-19*

x 
DEPONENT




GAGAN BOKALIA,
NOTARY GOVT. OF INDIA
Guwahati (Assam)
Regd. No.- 13519

25 JUN 2022

ANNEXURE P-1

Shiv Sena Legislative Party Office

Section No. 304/305, Vidhan Bhavan Mumbai 400032. Telephone: 22027399. Extension no. 1302/1303. Fax 22027798

Dated - 21-06-2022

Under the chairmanship of the Party Chief and Chief Minister of State of Maharashtra Shri. Uddhavji Thackeray, in accordance with the whip issued by Chief Whip Shri. Sunil Prabhu today, Tuesday, June 21, 2022, a meeting of the members of the Shiv Sena Legislature Party was held at the Chief Minister's residence at Varsha Bungalow, Malabar Hill, Mumbai.

The following resolution was passed unanimously by all the members present at the meeting.

Resolution: Shri. Eknath Shinde, Assembly member has been immediately removed from the post of group leader of Shiv Sena Legislature Party.

Shri. Ajay Chaudhary has been elected as the Group Leader of the Shiv Sena Legislature Party with immediate effect.

A copy of the above resolution should be sent immediately to the Hon'ble Speaker, Hon'ble Vice-Chairman, Maharashtra Vidhan Sabha, who is acting as the Speaker of the Maharashtra Vidhan Sabha under Article 180 of the Constitution.

Indicator : MLA, Shri. Ravindra Vaikar

Approval : Namdar, Shri. Uday Samant (Minister)

Namdar, Shri. Dada Bhuse (Minister)

MLA, Shri. Sanjay Rathore

Shiv Sena Legislative Party

List of Assembly Members

Sr. No.	Name of the Members	Constituency	Signature
1.	Mr. Aditya Thackeray (Minister)	182- Varli	-sd-
2.	Mrs. Lata Chandrakant Sonawane	10- Chopda (ST)	
3.	Mr. Gulabrao Patil (Minister)	14 Jalgaon Rural	-sd-
4.	Mr. Chimanrao Patil	16- Erandol	
5.	Mr. Kishor Patil	18- Pachora	
6.	Mr. Sanjay Gaikwad	22- Buldhana	
7.	Dr. Sanjay Raimulkar	25- Mehkar (SC)	
8.	Mr. Nitin Deshmukh (Dhale)	29- Balapur	
9.	Mr. Sanjay Rathod	79- Digras	-sd-

10.	Mr. Balaji Kalyankar	86- Nanded North	
11.	Mr. Santosh Bangar	93- Kalamanuri	-sd-
12.	Dr. Rahul Patil	96 - Parbhani	-sd-
13.	Abdul Sattar (Minister of State)	104 - Sillod	
14.	Mr. Uday Singh Rajput	105 - Kannada	-sd-
15.	Mr. Pradip Jayswal	107- Sambhajinagar Central	
16.	Mr. Sanjay Shirsat	108 - Sambhajinagar Pt. (SC)	
17.	Shri. Sandipan Bhumare (Minister)	110- Paithan	
18.	Shri. Ramesh Bornare	112 Vaijapur	
19.	Shri. Suhas Kande	113 - Nadgaon	
20.	Shri. Dada Bhuse (Minister)	115 - Malegaon Outer	-sd-
21.	Shri. Srinivasa Banga	130 - Palghar (Aj)	
22.	Shri. Shantaram More	134 - Bhiwandi	

		Rural (ST)	
23.	Shri. Dr. Vishwanath Bhoir	138- Kalyan West	
24.	Mr. Dr.Balaji Kinikar	140 - Ambernath (SC)	
25.	Shri. Pratap Saranaik	146 - Ovala - Majivada	
26.	Mr.Eknath Shinde (Minister)	147 Kopari Pachpakhadi	
27.	Mr. Prakash Surve	154 - Magthane	
28.	Mr. Sunil Raut	156- Vikhroli	-sd-
29.	Mr. Ramesh Korgaonkar	157 - Bhandup West	-sd-
30.	Mr. Ravindra Vaykar	158 - Jogeshwari East	-sd-
31	Shri. Sunil Prabhu	159-Dindoshi	-sd-
32	Shri. Dilip Lande	168-Chandivali	-sd-
33	Shri. Prakash Phatprekar	173-Chembur	-sd-
34	Shri. Manesh Kudalkar	174-Kurla(SC)	-sd-
35	Shri. Sanjay Potnis	175-Kalina	-sd-

36	Shri. Sada Sarvankar	181-Mahim	-sd-
37	Shri. Ajay Chaudhari	183-Shivadi	-sd-
38	Shrimati-Yamini Yashvant Jadhav	184-bycula	
39	Shri. Mahendra Thorve	189-Karjat	
40	Shri.Mahendra Dalvi	192-Alibagh	
41	Shri. Bharatsheth Gogavle	194-Mahad	
42	Shri.Nyanraj Chaughule	240-Umarga(SC)	
43	Shri. Kailas Patil	242-Dharshiv	-sd-
44	Shri. Tanaji sawant	243-paranda	
45	Ad.Shahaji Patil	253-Sangola	
46	Shri. Mahesh Shinde	257- Koregaon	
47	Shri. Shambhuraje Desai(RajyaMantri)	261-Patan	
48	Shri. Yogesh Kadam	263-Dapoli	-sd-
49	Shri. Bhaskar Jadhav	264- Guhagar	-sd-
50	Shri. Uday Samant (Mantri)	266-Ratnagiri	-sd-
51	Shri. Rajan Salvi	267-Rajapur	-sd-
52	Shri. Vaibhav Naik	269- Kudal	-sd-

53	Shri. Deepak Keskar	270-sawantwadi	-sd-
54	Shri. Prakash Aabitkar	272-Radhanagri	
55	Shri. Anil Babar	286-Khanapur	

List of allied assembly members supporting Shiv Sena party

Sr. No.	Assembly Members	Constituency	Signature
1	Mrs. Manjula Gavit (Independ member)	05-Sakri	
2	Mr. Chandrakant Patil (Independ member)	20-Muktainagar	
3	Mr. Rajkumar Patel (Prahar Janshakti Party)	41-Melghat	
4	Mr. Bacchu Kadu (State Minister) Prahar Janashakti Party	42-Achalpur	
5	Adv- Ashish Jaiswal (Independ member)	59-Ramtek	
6	Mr. Shankar Gadakh (Minister)	221-Newas	

	Krantikari Shetkari Party		
7	Mr. Rajendra Patil Yadravkar (Independ member) (State Minister)	280-Shirol	
8	Mr. Narendra Bhondekar (Independ member)	61-Bhandara	
9	Mrs. Gita Jain (Independ member)	Mira-Bhayndar	



शिवसेना विधिमंडळ पक्ष कार्यालय

कक्ष क्र. : ३०४/३०५, विधानभवन, मुंबई - ४०० ०३२. दूरध्वनी : २२०२७३९९. विस्तार क्र. : १३०२/१३०३, फॅक्स : २२०२७७९८

Resolution of the Meeting of Shiv Sena Maharashtra Legislative Assembly 2019-2024

We, the following members of the 14th Maharashtra Legislative Assembly belonging to the Shiv Sena. We are notified as the members of Maharashtra Legislative Assembly as members of Shivsena Legislature Party. We had unanimously elected Mr. Eknathrao Sambhaji Shinde on 31st October, 2019 as group leader of Shiv Sena Legislature Party.

There was pre-poll alliance between the Bhartiya Janata Party and Shiv Sena Party for the 14th Maharashtra Legislative Assembly, 2019.

There has been great dissatisfaction prevalent amongst the members of our party viz. Shiv Sena and our party Cadre at large, on account of

Corruption in the Government, administration regarding police posting,

Corruption by then Home Minister Mr. Anil Deshmukh (who is in Jail),

and sitting Minority Minister Mr. Nawab Malik (who is also in jail for

involvement with Underworld Don Dawood Ibrahim). Apart from the

above reasons the our party Cadre faced tremendous harassment and

distress on Political as well as Personal Grounds from the Opposition

विधान सचिव म. वि. स. यांचे कार्यालय
आवक नोंद

दि. 22/6/22 वेळ 11:34
सही

PB
२२/०६/२२

लिपिक
उपाध्यक्ष, यांचे कार्यालय
महाराष्ट्र विधानसभा
विधान भवन, मुंबई ४०० ०३२

Ideological Parties, who are now a part of the Government and were using their office and power to undermine the base and foundation of the our Shiv Sena Cadre.

There is enormous discontent amongst the cadre of the our party viz. Shiv Sena for forming the Government with NCP and Indian National Congress who are ideologically opposed to the our party viz. Shiv Sena.

There has been a compromise on the principles of our party Shiv Sena, which has been a party with fierce Ideological base and was formed for fighting for the rights local Marathi People. For Last two and half years, the our party and its leadership have compromised party principles by aligning with the contrasting ideologies for the sake of achieving power in the State of Maharashtra. The ideology of our party's leader Late Mr. Balasaheb Thackray was to give clean and honest Government to the People of Maharashtra and also without compromising on the principle of Hindutva, which was defeated at the first day itself by aligning with the opposing ideologies.

Shiv-Sena and the Bhartiya Janta Party had forged a pre-poll alliance for the 2019 Maharashtra Assembly General Elections. They sought the blessings of the voters for this Sena-BJP alliance which the voters accepted and voted in favor of this alliance. After the results were out the Sena severed its ties with the BJP and formed an alliance with the opposing parties which they had fought against in the 2019 Assembly Elections. This Act of our party leaders had a tremendous negative impact upon the voters and the party cadre at large. There was a continuous hue and cry towards the party leadership for the act of aligning with the opposing parties,. Ignoring this, the party leadership went ahead and formed a Maha Vikas Aghadi Government. For last 2 and half years, we, the Shiv Sena Legislative Party Members, were facing tremendous pressure from their electorates/voters. We, the members of the legislative party as well as all leaders and workers through out the country were facing lot of humiliating questions from our voters on account of our support to Leaders of oppositions. Our leader Shri Balasaheb Thackray

was always a strong Nationalist. We have also been subjected to lot of criticism for being part of this Corrupt Maharashtra Government.

In view of the above, the members of the Maharashtra Shiv Sena Legislature Party have met today and resolved as under:

Hence, it is unanimously resolved as under:

A. It is hereby resolved and reaffirmed that Mr. Eknathrao Sambhaji Shinde who was appointed as the leader of the Shiv Sena Legislature Party on 31.10.2019 is and continues to be the Leader of the Maharashtra Shiv Sena Legislature Party, of the 14th Maharashtra Legislative Assembly. (2019-2024).

Proposed by Mr. भारत गोगाळे

Seconded by Mr. Mahesh Shinde

Resolved Unanimously.

B. It is hereby further resolved that Mr. Bharat Gogavale be elected and appointed as a Chief Whip of the 14th Maharashtra Shiv Sena Legislative Party (2019-2024). Appointment of Mr. Sunil Prabhu is cancelled with immediate effect.

Proposed by Mr. महेश शिंदे

Seconded by Mr. सुनील प्रभू

Resolved Unanimously.

Proposed by Mr. विजय शिंदे

Seconded by Mr. डॉ. बाळासाहेब ठाकरे

Resolved Unanimously.

Dated 21st day of June, 2022

Sr No.	Vidhansabha Constituency	Member of Legislative Assembly	Signature
1.	261 Patan	Desai Shambhuj Shivajirao	
2.	108 Aurangabad (w)	Sonjay Shirset	
3.	29 वाठगुंर	श्री. राजेश	
4.	18 Pachozu	Kishor Patil	
5.	154 Magathane	Poolesh Kane	
6.	041 Melghol	Rajkumar Patil	
7.	10 वाठगुंर श्री. लाल शिंदे	श्री. लाल शिंदे	
8.	184 गायरवाडी पंचायत समिती	श्री. यशवंत यशवंत शिंदे	
9.	113 वाठगुंर	श्री. लक्ष्मण का. शिंदे	
10.	932 कर्णाली पंचायत	विनायक शिंदे	
11.	286 रानापूर	शक्ति कादर	
12.	94 परसोड 253 S	श्री. लक्ष्मण शिंदे	
13.	253 Sangola	Shahaji Patil	
14.	124 भांडी शिंदे	श्री. लक्ष्मण शिंदे	
15.	130 palgar	shrinivass Vanuhy	
16.	140 Amburuth	Dr. Balaji Kishor	

17.	112 BORNARE	Ramesh Nanasheh	R-b
18.	107 मोरंगावाक मध्य	प्रदीप जैराम	Jayant
19.	025 महेकर	संजय रमण	Sanjay
20.	902 आमीबाडा	महेद्र दुकावी	Mahesh
21.	189 वर्त	महेद्र येशे	Mahesh
22.	908 गहाड	शरत गोगावडे	शरत गोगावडे
23.	990 चेंबण	संदिपान शुरे	Sandip
24.	283 - पराडा, उस्मानाबाद	डॉ. तानाजी क्षावंग	Tanaji
25.	86 गोडरे	शिमश्री अमण	Shimshri
26.	908 डू सिगाडा	डॉ. शरत	Shant
27.	146 डी वर नासिवाड	नाथ अण्णलडे	Nath
28.	240 अरग लोडकी	शावरान एडोमिम चोडके	Shavar
29.	22 सुमसोण	संजय राम भांडे गाम 845	Sanjay
30.	257, Koregaon	Mahesh Sambhajiraje Shinde	Mahesh
31.	61 Bhandara	Narendra B. Bhandare	Narendra
32.	147 को परीपायवाकडी	कमल संभाजी शिंदे	Kamal
33.	अवण्ड	अमणभाई नाड	Amn
34.	Shirul	Rajendra Patil	Rajendra
35.			
36.			
37.			

38.			
39.			
40.			

Copy to

1. Hon'ble Governor of Maharashtra,
Raj Bhavan, Maharashtra.
2. Hon'ble Deputy Speaker,
Vidhan Bhavan, Maharashtra.
3. Vidhan Sabha Secretary,
Maharashtra Legislative Assembly



शिवसेना विधिमंडळ पक्ष कार्यालय

कक्ष क्र. : ३०४/३०५, विधानभवन, मुंबई - ४०० ०३२. दूरध्वनी : २२०२७३९९. विस्तार क्र. : १३०२/१३०३, फॅक्स : २२०२७७९८

To,

Hon'ble Deputy Speaker,
Maharashtra Legislative Assembly,
Vidhan Bhavan, Maharashtra

RE: Letter dated 21st day of June 2022 of the Maharashtra Shiv Sena
Legislative Party

Sir,

Today through media report, it has come to our knowledge that there was a meeting of the members of Shiv Sena Legislature Party called without any notice of the said meeting given to any of us including the existing leader of Shiv Sena Legislature Party. It has come to our knowledge that only 16 MLAs out of 55 MLAs of our legislature party attended the said unauthorised meeting and passed a resolution to remove Mr. Eknath Shinde as the leader of the Shiv Sena Legislature Party. It is pertinent to note that the said meeting was without any notice and without the quorum and without following the due procedure. We state that 16 out of 55 MLAs could not have appointed a new leader of Shiv Sena Legislature Party in as much as the requirement of even quorum was not met. It has come to our knowledge that Mr. Ajay Choudhary has been unauthorisedly stated to have been appointed as a leader of Shiv Sena Legislature Party. We have, today, unanimously passed a resolution resolving that that the said resolution dated 21.06.2022 passed at 12:30 pm appointing Mr. Ajay Choudhary is void as being without jurisdiction and the same is illegal and inoperative.

22/6/22

लिपिक

उपाध्यक्ष, यांचे कार्यालय
महाराष्ट्र विधानसभा

विधान भवन, मुंबई ४०० ०३२

I am enclosing herewith a copy of the Resolution dated 21st day of June 2022 (hereinafter to be referred as the Resolution) regarding the reaffirmation of appointment of Mr. Eknathrao Sambhaji Shinde as the leader of our Shiv Sena Legislature Party and further appointment as the Chief Whip of the Shiv Sena Legislature Party.

In view of the same, we request you to not recognize Mr. Ajay Choudhary as the leader of Shiv Sena Legislature Party of the 14th Maharashtra Legislative Assembly.

Eknathrao S. Shinde

147 Kopri - Paneh Pakhadi

Eknathrao S. Shinde

(Leader)

Maharashtra Shiv Sena

Legislative Party

Copy to:

Hon'ble Governor of Maharashtra,

A. Raj Bhavan, Maharashtra

B. Vidhan Sabha Secretary,

Maharashtra Legislative Assembly

प्रधान सचिव म. वि. स. यांचे कार्यालय
भावक नोंद

क्र. 22/6/22
दि. 22/6/22 वेळ 11:31
सही. *[Signature]*



शिवसेना विधिमंडळ पक्ष कार्यालय

कक्ष क्र. : ३०४/३०५, विधानभवन, मुंबई - ४०० ०३२. दूरध्वनी : २२०२७३९९. विस्तार क्र. : १३०२/१३०३, फॅक्स : २२०२७७९८

21st June 2022

To,

1. Mr. Narhari Zirwal,

Hon'ble Deputy Speaker,

Vidhan Bhavan, Mumbai, Maharashtra.

2. The Secretary,

Maharashtra Legislative Assembly,

Mumbai, Maharashtra

**RE: Notice to move a Resolution for removal of Mr. Narhari Zirwal
as the Deputy Speaker of the Maharashtra Legislative Assembly
under Article 179 of the Constitution of India read with Rule 11 of
Maharashtra Legislative Assembly Rules**

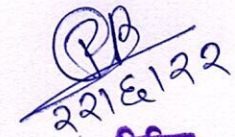
Sir,

प्रधान सचिव म. वि. स. यांचे कक्ष
आवक नोंद

We, the following undersigned do hereby call upon you as under:

1. You were elected as the Deputy Speaker of the Maharashtra Legislative Assembly in November 2019. Since February, 2021 due to the resignation of Mr. Nana Patole from the post of the Speaker, you have been discharging the functions of speaker of the Maharashtra Legislative Assembly.
2. We all respectfully submit that you no longer have the right to continue as the deputy speaker as you no longer enjoy the support

क्र. २२/६/२२
दि. २२/६/२२ वेळ ११:३३
सही


२२/६/२२

लिपिक
उपाध्यक्ष, यांचे कार्यालय
महाराष्ट्र विधानसभा
विधान भवन, मुंबई ४०० ०३२

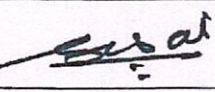

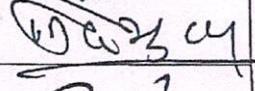
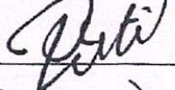
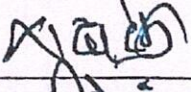
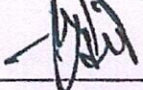
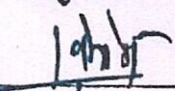
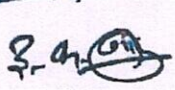
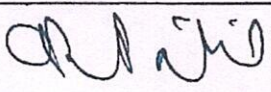
of the majority of the House and more particularly the following members of our party viz. Shiv Sena.

3. In the well-known judgment of the Hon'ble Supreme Court in Nabam Rabia vs. Deputy Speaker, Arunachal Pradesh & Ors. 2016 (8) SCC, it has been held that *"if the Speaker and/or Deputy Speaker rightfully and truly enjoys the support of the majority of the MLAs, there would be no difficulty whatsoever, to demonstrate the confidence which the members of the State Legislature, repose in him."* In your case you do not have the requisite majority support.
4. Further, under Article 179 (c) of the Constitution of India, the Speaker and/or Deputy Speaker can be removed from his office by a Resolution of the Assembly passed by a majority of all the members of the Assembly.
5. We, the members of Shiv Sena legislative party constitute 34 members of the 14th Maharashtra Legislative Assembly and therefore are issuing the present notice under Rule 11 of the MLA Rules read with Article 179 of the Constitution of India and hereby call upon you to move the motion for your removal from

office. In the meanwhile, We request you to refrain from discharging the functions of Speaker/Deputy Speaker with immediate effect.

With warm regards,

Yours truly

Sr No.	Vidhansabha Constituency	Member of Legislative Assembly	Signature
1.	261 Patan	Desai Shambhudas Shivairao	
2.	108 Aurangabad	Sanjay Shirse	
3.	29 वाघाडर	निमि ग. एराडुय	
4.	18 Pachora	Kishor Patil	
5.	10-पुंसा श्रीवर्मासुधाश्रीश्रीवर्मा	श्रीवर्मा श्रीवर्मा	श्रीवर्मा श्रीवर्मा
6.	184 भायरावाडा विधानसभा	श्री. याश्रीवर्मा परियेन श्रीवर्मा	Jullu
7.	154 जामखोला	प्रभात यशवन्त कुंठ	प्रभात कुंठ
8.	01 Madhat	Rajkumar Patel	
9.	113 नाहंगी	चरि सुहायस कोर	
10.	136 म्हाणय वीरम	विश्वनाथ मोरि	
11.	286 रवनापुर	अशोक क. जाकर	
12.	96 वरसाडे	विश्वनाथ मोरि	

13.	253 Sangola Shahaji	Shahaji Parit	SPParit
14.	134 भिवंडी	श्रीमन् शिवाजी म. नि. क.	Shri
15.	130 palgur	shrinivas Vanadny	Shri
16.	140 Ambaruthy	DR. Balaji Kinikar.	Shri
17.	112 Boregare	Ramesh Nanasahab	Shri
18.	167 औरंगाबाद	मह्य प्रदीप जैस्वान	Shri
19.	088 महेंद्र	राज्य राम भु (6002)	Shri
20.	922 अलाबाग	मेहुर् डुक्की	Shri
21.	189 कर्जत	मेहुर् शिंदे	Shri
22.	928 महेंद्र	मह्य गोगावले	Shri
23.	990 धुळे	संदिपान शिंदे	Shri
24.	283 - परांडा, उस्मानाबाद	डॉ. तानाजी सावंत	Shri
25.	86 नांदेड	श्रीमती सुम	Shri
26.	908 अहमदनगर	डॉ. शिवाजी	Shri
27.	146 अहमदनगर आजमेवडी	प्रतापराव शिंदे	Shri
28.	240 अहमदनगर - लोहरी	श्रीमन् शिवाजी म. नि. क.	Shri
29.	22 काशी	राज्य राम भु गोगावले	Shri
30.	257 Koregaon	Mahesh Sambhajiraje Shinde	Shri
31.	61 Bhandeer	Narenchur B. Bhandeer	Shri
32.	147 कोपरगाव	राज्य राम भु शिंदे	Shri
33.	अहमदनगर	श्रीमन् शिवाजी म. नि. क.	Shri

34.	Shi'oul	Rejendra Patil	g L P tif
35.			
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ANNEXURE P-5

Maharashtra Legislative Assembly

To,
Secretary,
Shiv Sena Legislative Party Office,
Vidhan Bhavan, Mumbai.

Reference: Yours sincerely, June 21, 2022 Letter forwarded to the Vice President, Maharashtra Legislative Assembly.

Sir,

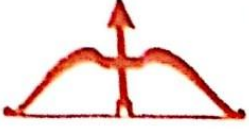
In connection with the letter under reference, I have been instructed to inform you that the letter requesting to recognise the election of Ajay Chaudhary as a group leader of Shiv Sena Legislative Party has been accepted by the Vice President (Executive President), Maharashtra Legislative Assembly.

Yours,

SD/-

(G D Debadwar)

**Under Secretary (Committee)
Maharashtra Legislative Secretariat**



शिवसेना विधिमंडळ पक्ष कार्यालय
कक्ष क्र ३०४/३०५ विधानभवन, मुंबई ४०० ०३२ दुरध्वनी : २२०२७३१९. विमता क्र : १३०२/१३०३. फॅक्स : २२०२७७९८

22nd June 2022

To,
Shri. Eknath Sambhaji Shinde
MLA, Kopri Pachpakhadi Vidhan Sabha


**RE: NOTICE FOR MEETING OF THE SHIV SENA
LEGISLATURE PARTY**

In the backdrop of the recently concluded Maharashtra Legislative Council ('MLC') elections held on 20th of June, 2022, and in view of the volatile political situation emerging in the State on account of repeated attempts being made to destabilize the government by orchestrating defections within the Shiv Sena, and to discuss and draw out a political strategy to address and contain any such exigency, you are urgently called upon to attend the meeting of the Shiv Sena Legislature Party today i.e. on 22nd June, 2022 (Wednesday) to be held at Varsha Bungalow, Mount Pleasant Road, Malabar Hill, Mumbai - 400006 at 05:00pm.

Please note that failure to participate in the meeting without providing valid and adequate reasons in writing, communicated in advance to the undersigned, will result in consequential action against you under the relevant provisions of the Constitution of India.

This notice is being sent on the e-mail address provided by the Legislators and registered with the Maharashtra Assembly along with soft copies being served on SMS and WHATSAPP as well.




SUMIL PRABHU
Chief Whip
Shiv Sena Legislature Party



[Handwritten Signature]
DEPONENT

VERIFICATION

I, Sunil Prabhu, the Petitioner, do hereby verify that the contents of the accompanying Annexure are based on information derived from records, which I verily believe to be true and correct to the best of my knowledge and understanding and that no part of it is false and nothing material has been concealed therefrom.

Verified at Mumbai, on this the 23rd day of June, 2022.

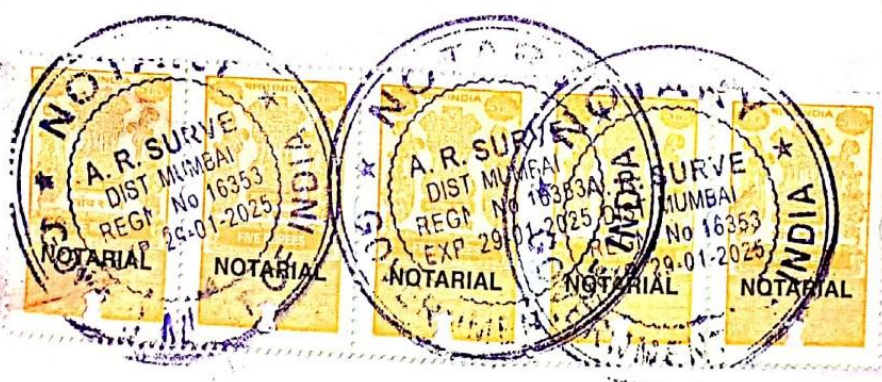
[Handwritten Signature]
DEPONENT



BEFORE ME
[Handwritten Signature]
A. R. SURVE
ADVOCATE & NOTARY
GOVT. OF INDIA
REG. No. 16353

Seen Original
PAN / Aadhar / Election
Card / Driving License / I-
Card - Passport / POA
Bearing No. 545663046523.
Dated: 23 JUN 2022
For Verification *[Signature]*

NOTED & REGISTERED
Page No. 64/6621
Date 23 JUN 2022



ANNEXURE P-7

MLA

Name Eknathrao Sambhaji Shinde

Constituency - Kopri-Pachpakhadi

Dated - June 22, 2022

**Subject: - Letter signed by Shiv Sena party office dated 22nd June 2022
regarding being legally invalid**

Sir

You have misused the official letterhead of the party from the Shiv Sena Legislative Party office. In a meeting of 45 MLAs of Shiv Sena Party held under the chairmanship of Hon'ble Group Leader Shri Eknathji Shinde you have been unanimously removed from the position of Chief Whip. Shri. Bharat Gogavale has been appointed as the Chief Whip of Shiv Sena Legislature Party.

You have sent me a legally invalid notice as per letter of Shiv Sena Legislative Party office dated 22nd June 2022, even though you do not have the right to sign,. You have no right to send me this notice.

I am not obliged to attend this meeting.

Let me know

Yours

Mr. Eknathrao Sambhaji Shinde

Kopri-Pachpakhadi

Assembly constituency

ANNEXURE P-8

Shiv Sena Legislative Party Office

Section No. 304/305, Vidhan Bhavan Mumbai 400032. Telephone: 22027399. Extension no. 1302/1303. Fax 22027798

Date. 22/06/2022

A meeting of Shiv Sena MLA's was held on Wednesday 22/06/2022 at Varsha Bangla, Mount Pleasant Malabar Hill, Mumbai presided over by Ajay Chaudhary at 5 pm. The following resolution was unanimously passed in this meeting.

Resolution - "It is decided that in the interest of the Shiv Sena party, the members who did not attend the meeting should be disciplined in accordance with the provisions of the Schedule to the Indian Constitution."

Indicator - Mr. Ramesh Korgaonkar SD/-

Approver - Mr. Uday Singh Rajput SD/-

Mr. Dilip Lande SD/-

Shiv Sena Legislative Party

List of Assembly Members

Date- 22/06/2022

Sr. No.	Name of the Members	Constituency	Signature
1.	Mr. Aditya Thackeray (Minister)	182- Varli	-sd-
2.	Mrs. Lata Chandrakant Sonawane	10- Chopda (ST)	
3.	Mr. Gulabrao Patil (Minister)	14 Jalgaon Rural	
4.	Mr. Chimanrao Patil	16- Erandol	
5.	Mr. Kishor Patil	18- Pachora	
6.	Mr. Sanjay Gaikwad	22- Buldhana	
7.	Dr. Sanjay Raimulkar	25- Mehkar (SC)	
8.	Mr. Nitin Deshmukh (Dhale)	29- Balapur	
9.	Mr. Sanjay Rathod	79- Digras	

10.	Mr. Balaji Kalyankar	86- Nanded North	
11.	Mr. Santosh Bangar	93- Kalamanuri	-sd-
12.	Dr. Rahul Patil	96 - Parbhani	-sd-
13.	Abdul Sattar (Minister of State)	104 - Sillod	
14.	Mr. Uday Singh Rajput	105 - Kannada	-sd-
15.	Mr. Pradip Jayswal	107- Sambhajinagar Central	
16.	Mr. Sanjay Shirsat	108 - Sambhajinagar Pt. (SC)	
17.	Shri. Sandipan Bhumare (Minister)	110- Paithan	
18.	Shri. Ramesh Bornare	112 Vaijapur	
19.	Shri. Suhas Kande	113 - Nadgaon	
20.	Shri. Dada Bhuse (Minister)	115 - Malegaon Outer	
21.	Shri. Srinivasa Banga	130 - Palghar (Aj)	
22.	Shri. Shantaram More	134 - Bhiwandi	

		Rural (ST)	
23.	Shri. Dr. Vishwanath Bhoir	138- Kalyan West	
24.	Mr. Dr.Balaji Kinikar	140 - Ambernath (SC)	
25.	Shri. Pratap Saranaik	146 - Ovala - Majivada	
26.	Mr.Eknath Shinde (Minister)	147 Kopari Pachpakhadi	
27.	Mr. Prakash Surve	154 - Magthane	
28.	Mr. Sunil Raut	156- Vikhroli	-sd-
29.	Mr. Ramesh Korgaonkar	157 - Bhandup West	-sd-
30.	Mr. Ravindra Vaykar	158 - Jogeshwari East	-sd-
31	Shri. Sunil Prabhu	159-Dindoshi	-sd-
32	Shri. Dilip Lande	168-Chandivali	-sd-
33	Shri. Prakash Phatprekar	173-Chembur	-sd-
34	Shri. Manesh Kudalkar	174-Kurla(SC)	
35	Shri. Sanjay Potnis	175-Kalina	

36	Shri. Sada Sarvankar	181-Mahim	
37	Shri. Ajay Chaudhari	183-Shivadi	-sd-
38	Shrimati-Yamini Yashvant Jadhav	184-bycula	
39	Shri. Mahendra Thorve	189-Karjat	
40	Shri.Mahendra Dalvi	192-Alibagh	
41	Shri. Bharatsheth Gogavle	194-Mahad	
42	Shri.Nyanraj Chaughule	240-Umarga(SC)	
43	Shri. Kailas Patil	242-Dharshiv	-sd-
44	Shri. Tanaji sawant	243-paranda	
45	Ad.Shahaji Patil	253-Sangola	
46	Shri. Mahesh Shinde	257- Koregaon	
47	Shri. Shambhuraje Desai(RajyaMantri)	261-Patan	
48	Shri. Yogesh Kadam	263-Dapoli	
49	Shri. Bhaskar Jadhav	264- Guhagar	-sd-
50	Shri. Uday Samant (Mantri)	266-Ratnagiri	
51	Shri. Rajan Salvi	267-Rajapur	-sd-
52	Shri. Vaibhav Naik	269- Kudal	

53	Shri. Deepak Keskar	270-sawantwadi	
54	Shri. Prakash Aabitkar	272-Radhanagri	
55	Shri. Anil Babar	286-Khanapur	

List of allied assembly members supporting Shiv Sena party

Sr. No.	Assembly Members	Constituency	Signature
1	Mrs. Manjula Gavit (Independ member)	05-Sakri	
2	Mr. Chandrakant Patil (Independ member)	20-Muktainagar	
3	Mr. Rajkumar Patel (Prahar Janshakti Party)	41-Melghat	
4	Mr. Bacchu Kadu (State Minister) Prahar Janashakti Party	42-Achalpur	
5	Adv- Ashish Jaiswal (Independ member)	59-Ramtek	-sd-
6	Mr. Shankar Gadakh (Minister)	221-Newas	

	Krantikari Shetkari Party		
7	Mr. Rajendra Patil Yadravkar (Independ member) (State Minister)	280-Shirol	
8	Mr. Narendra Bhondekar (Independ member)	61-Bhandara	
9	Mrs. Gita Jain (Independ member)	Mira-Bhayndar	

ANNEXURE P-9

Home > All India > "You Merge With BJP; We Will Rebuild Sena": Thackerays' Loyalist To Rebels

"You Merge With BJP; We Will Rebuild Sena": Thackerays' Loyalist To Rebels

Maharashtra Chief Minister Uddhav Thackeray's loyalist and Shiv Sena MP Sanjay Raut challenged the rebel camp led by Eknath Shinde to a floor test

All India | Edited by Aarish Chhabra | Updated: June 23, 2022 3:04 pm IST



Mumbai: Maharashtra Chief Minister Uddhav Thackeray's loyalist and Shiv Sena MP Sanjay Raut on Thursday challenged the party's rebel camp led by Eknath Shinde to a floor test in the assembly, while also telling them that their chance to return to the Sena is not lost. On their demand that Shiv Sena should break up with the NCP and Congress to [form a government with the BJP](#), the Rajya Sabha member said, "You (the rebels) should merge with the BJP. Shiv Sena remains our party."

The Shiv Sena-led regime is [on the verge of a collapse](#) as the rebel camp is gathering the numbers required to split the party without facing action under the anti-defection law.

Speaking to NDTV, Mr Raut responded combatively to the question if Uddhav Thackeray will remain the chief minister: "Let all the MLAs come to the floor of the House. We will see then. These MLAs who have left... they will find it difficult

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to return and move around in Maharashtra."

On whether talks were still on with the rebels, Mr Raut said, "They are all our friends... We don't know what their compulsions are. The party and the state are with Uddhav Thackeray. Just because some MLAs have left does not mean the party is gone."

"In the times of Balasaheb Thackeray, too, a lot of people were referring to Uddhav Thackeray's father, party founder Balasaheb Thackeray, the party and brought it to power then too. And now this is coming from Uddhav ji and me, that we will rebuild the party again; and we will again come to power."

He also responded to the Shinde camp's allegations that the chief minister's house 'Varsha' remained out of bounds for party legislators: "These are just excuses. For a year there were Covid restrictions; and then Chief Minister Uddhav Thackeray was unwell for six months."

Mr Raut said Eknath Shinde was part of every decision in the party and the government. "In the party and the state cabinet, he was given important posts so that he would keep the leaders and workers together. Uddhav-ji or he alone could not do everything; it was a collective responsibility. Instead of doing his duty, he created a division in the party."

He said he would reiterate Mr Thackeray's stance that "whoever wants to leave, can leave, but go and win the election again". "This land belongs to Shiv Sena and Balasaheb... We will rise again like the phoenix and soar. We have seen several struggles in the last 56 years. What's the worst that can happen?"

"Maybe we will lose the government, lose power, lose ministerial posts – what else can happen in politics? You will misuse the ED (Enforcement Directorate) and CBI (Central Bureau of Investigation) against us, put us in jail... what more? Will you shoot us? We have seen everything and we fear nothing," Mr Raut said.

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ANNEXURE P-10

25.06.2022

To,
His Excellency Hon'ble the Governor,
State of Maharashtra

RE: Malicious withdrawal of security of family members of the undersigned MLAs

1. We are the elected members of 14th Maharashtra Assembly from the Shiv Sena Legislature Party. We are writing the present letter due to the failing law and order situation prevailing in the State of Maharashtra whereby the security provided to the various MLAs from the Shiv Sena Legislature Party as well 9 independent MLAs, at our residence as well as to our family members as per the protocol, has been illegally and unlawfully withdrawn, as an act of revenge.
2. As is common knowledge, we no longer wanted to be a part of the corrupt MVA government. However, we were being continuously threatened to continue supporting the incumbent government without our free will. Thus, left with no option, were constrained to flee away from the State of Maharashtra and are currently situated in Guwahati.
3. However, as yet another attempt to break our resolve and arm twist us to give into the demands of the MVA government comprising of NCP and INC goons, security which was earlier provided to our family and our property, as per the protocol, has been withdrawn since last evening on the instructions of the top leadership of the MVA government, including the Chief Minister, the Home Minister of Maharashtra, Mr. Sharad Pawar and Mr. Sanjay Raut.
4. We state that the reason to give security is a threat and not which side of the politics we are. However, the threats due to which we were forced to

leave the State of Maharashtra have been compounded by these actions on the part of MVA leaders.

5. We further state that not only the security of our families and relatives have been compromised by removing the security personnel but also there is an ongoing agenda wherein various leaders of the MVA government are instigating the cadres of their respective parties to take up violence to further intimidate us which is evident from the media reports published on 23.06.2022 at various print and digital publications wherein Mr. Sanjay Raut threatened the Petitioners and the other members by stating that he would make it difficult for the MLAs who have left to return to Maharashtra and move around in the State of Maharashtra. The relevant part of interview given by Mr. Sanjay Raut is extracted herein:

"Let all the MLAs come to the floor of the House. We will see then. These MLAs who have left... they will find it difficult to return and move around in Maharashtra."


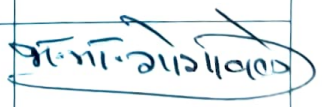
A link of the said report is given below for the ready reference:

[Sena's Sanjay Raut To Rebels Led By Eknath Shinde: You Merge With BJP; Party Is Ours \(ndtv.com\)](#)












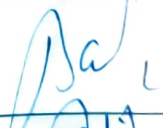


6. The impact of these statement was borne by two of our members as their offices were vandalized by the carders of Shiv Sena merely after hours of withdrawing the security from MLAs.
7. It will not be out of place to mention that recently the same scenario had happened in State of Punjab also where security of several high profile persona were removed by the state government due to which most of the high profile people became target of gangsters/goons in the state and the withdrawal of security from MLAs is likely to create similar impact in state of Maharashtra as well.









8. We had addressed a communication dated 24.06.2022 in this regard to the Chief Minister, the Home Minister, the Director General of Police – Maharashtra and all the Commissioners of Police in the State of Maharashtra yesterday late evening. A copy of the said communication bearing signatures of all my colleagues is enclosed herewith as **Annexure – A.**
9. However, the said security has still not been provided and the threats to our family and properties have been continuously increasing since last night.
10. In view of the aforesaid, we request you to kindly issue the necessary directions through your office to the police forces to ensure that adequate security is provided to our families.
11. We state and demand that the security which we are entitled to under protocol should be provided to our families with immediate effect. We further state that if any harm were to come to our family members, the Chief Minister and the leaders of MVA Government like Mr. Sharad Pawar, Mr. Sanjay Raut, Mr. Aditya Thackrey will be responsible for the same.

Yours Sincerely



०१	१४७	कोपरी - पाचपखाडी,ठाणे	मा .एकनाथ संभाजी शिंदे	
०२	१९४	महाड,रायगड	मा.भरत मारुती गोगावले	

अ क्र.	मतदार संघ क्रमांक	मतदार संघाचे नाव	विधानसभा सदस्याचे नाव	सही
३	१३८	कल्याण पश्चिम, ठाणे	मा. विश्वनाथ आत्माराम भोईर	
४	१८९	कर्जत, रायगड	मा. महेंद्र सदाशिव थोरवे	
५	१३४	भिवंडी ग्रामीण, ठाणे	मा. शांताराम तुकाराम मोरे	
६	१३०	पालघर	मा. श्रीनिवास चिंतामण वनगा	
७	१०	चोपडा, जळगाव	सौ. लता चंद्रकांत सोनवणे	
८	१०८	औरंगाबाद पश्चिम	मा. संजय पांडुरंग शिरसाट	
९	२४०	उमरगा - लोहारा, धाराशिव	मा. ज्ञानराज धोंडीराम चौमुले	
१०	१८४	भायखळा, मुंबई	सौ. यामिनी यशवंत जाधव	
११	२५३	सांगोला, सोलापूर	मा. शहाजी राजाराम पाटील	
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१४	२५७	कोरेगाव, सातारा	मा. महेश संभाजीराजे शिंदे	
१५	१५४	मागाठाणे, मुंबई	मा. प्रकाश राजाराम सुर्वे	
१६	२५	मेहेकर, बुलढाणा	मा. संजय भास्करराव रायमुलकर	








अ क्र.	मतदार संघ क्रमांक	मतदार संघाचे नाव	विधानसभा सदस्याचे नाव	सही
१७	१९२	अलिबाग, रायगड	मा. महेंद्र हरी दळवी	
१८	११०	पैठण, संभाजीनगर	मा. संदीपान आसाराम भुमरे	
१९	११२	वैजापूर, संभाजीनगर	मा. रमेश नानासाहेब बोरनारे	
२०	१४०	अंबरनाथ, ठाणे	मा. बालाजी प्र. किणीकर	
२१	१०४	सिल्लोड - सोयगाव, संभाजीनगर	मा. अब्दुल सत्तार	
२२	१०७	औरंगाबाद - मध्य	मा. प्रदीप शिवनारायण जैस्वाल	
२३	२२	बुलढाणा	मा. संजय रामभाऊ गायकवाड	
२४	१६	एरंडोल, जळगाव	मा. चिमणराव रुपचंद पाटील	
२५	२८६	खानापूर, सांगली	मा. अनिल कलजेराव बाबर	
२६	११३	नांदगाव, नाशिक	मा. सुहास द्वारकानाथ कांदे	
२७	१४६	ओवळा-माजिवडा, ठाणे	मा. प्रताप बाबुराव सरनाईक	
२८	८६	नांदेड उत्तर	मा. बालाजी देविदास कल्याणकर	
२९	१८	पाचोरा - भडगाव, जळगाव	मा. किशोर पाटील	
३०	२६३	दापोली, रत्नागिरी	मा. योगेश रामदास कदम	

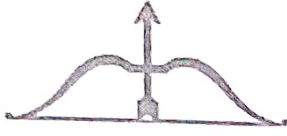
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३१	२७०	सावंतवाडी, सिंधुदुर्ग	मा. दीपक केसरकर	
३२	१७४	कुर्ला, मुंबई	मा. मंगेश कुडाळकर	
३३	१४	जळगाव - ग्रामीण	मा. गुलाबराव पाटील	
३४	१८१	माहीम, मुंबई	मा. सदा सरवणकर	
३५	२७२	राधानगरी, कोल्हापूर	मा. प्रकाश आनंदराव आबिटकर	
३६	११५	मालेगांव, नाशिक	मा दादाजी दगडू भूसे	
३७	७९	दिग्रज, यवतमा	मा संजय दुलीचंद राठोड	
३८	१६८	चौदिघाटी	मा दिलीप भाऊ मो. जोशी	
३९				
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प्रहार जनशक्ति पार्टी आमदार

अ क्र.	मतदार संघ क्रमांक	मतदार संघाचे नाव	विधानसभा सदस्याचे नाव	सही
१	४२	अचलपूर - अमरावती	मा. ओमप्रकाश (बच्चू) बाबाराव कडू	
२	४१	मेळघाट - अमरावती	मा. राजकुमार दयाराम पटेल	

अपक्ष आमदार

अ क्र.	मतदार संघ क्रमांक	मतदार संघाचे नाव	विधानसभा सदस्याचे नाव	सही
१	२८०	शिरोळ - कोल्हापूर	मा. राजेंद्र शमगोंडा पाटील यट्टावकर	
२	५९	रामटेक - नागपूर	मा. आशिष नंदकिशोर जैस्वाल	
३	५	साक्री - धुळे	सौ. मंजुळा तुळशीराम गावित	
४	२०	मुक्ताईनगर - जळगाव	मा. चंद्रकांत निंबा पाटील	
५	६१	भंडारा	मा नरेंद्र भोजराज भोंडेकर	
६		चंद्रपूर	मा. किशोर जोरगेवार	
७		मीरा- भाईहर	मा. सौ. गीता जैन	
८				



शिवसेना विधिमंडळ पक्ष कार्यालय

96

कक्ष क्र. : ३०४/३०५, विधानभवन, मुंबई - ४०० ०३२. दूरध्वनी : २२०२७३९९. विस्तार क्र. : १३०२/१३०३, फॅक्स : २२०२७७९८

24.06.2022

To,

1. Mr. Uddhav Thackrey , Chief Minister, State of Maharashtra	3. Mr. Rajnish Seth DGP, Maharashtra
2. Mr. Dilip Walse Patil Minister of Home Affairs State of Maharashtra	4. All Commissioners of Police. State of Maharashtra

RE: Malicious withdrawal of security of family members of the undersigned MLAs

1. We, the undersigned, are the elected members of Shiv Sena Legislative Party, who were duly elected as MLA from our respective constituency in 14th Maharashtra Legislative Assembly elections held in the year 2019.
2. That we are current sitting MLAs, however, the security provided to us at our residence as well as to our family members as per the protocol has been illegally and unlawfully withdrawn, as an act of revenge. Needless to mention, this sinister move is another attempt to break our resolve and arm twist us to give into the demands of the MVA government comprising of NCP and INC goons.
3. We state that the reason to give security is a threat and not which side of the politics we are. However, the threats due to which we were forced to leave the State of Maharashtra have been compounded by these actions on the part of MVA leaders.
4. We further state that not only the security of our families and relatives have been compromised by removing the security personnel but also there is an ongoing agenda wherein various leaders of the MVA government are instigating the cadres of their respective parties to take up violence to further intimidate us which is evident from the media reports published on 23.06.2022 at various print and digital publications wherein Mr.

Sanjay Raut threatened the Petitioners and the other members by stating that he would make it difficult for the MLAs who have left to return to Maharashtra and move around in the State of Maharashtra. The relevant part of interview given by Mr. Sanjay Raut is extracted herein:

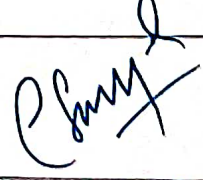
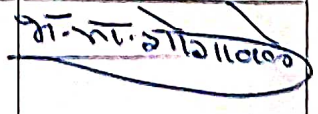
"Let all the MLAs come to the floor of the House. We will see then. These MLAs who have left... they will find it difficult to return and move around in Maharashtra."

A link of the said report is given below for the ready reference:

[Sena's Sanjay Raut To Rebels Led By Eknath Shinde: You Merge With BJP; Party Is Ours \(ndtv.com\)](#)

5. The impact of these statement was borne by two of our members as their offices were vandalized by the carders of Shiv Sena merely after hours of withdrawing the security from MLAs.
6. It will not be out of place to mention that recently the same scenario had happened in State of Punjab also where security of several high profile persona were removed by the state government due to which most of the high profile people became target of gangsters/goons in the state and the withdrawal of security from MLAs is likely to create similar impact in state of Maharashtra as well.
7. We state and demand that the security which we are entitled to under protocol should be provided to our families with immediate effect. We further state that if any harm were to come to our family members, the Chief Minister and the leaders of MVA Government like Mr. Sharad Pawar, Mr. Sanjay Raut, Mr. Aditya Thackrey will be responsible for the same.

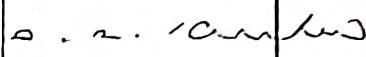
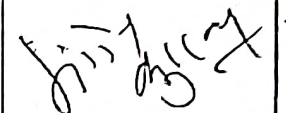
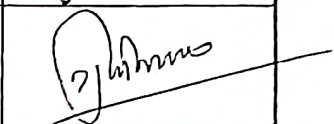

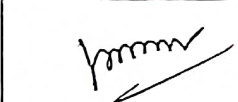
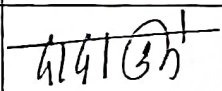
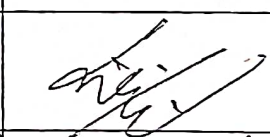

Yours Sincerely

०१	१४७	कोपरी -पाचपखाडी,ठाणे	मा .एकनाथ संभाजी शिंदे	
०२	१९४	महाड,रायगड	मा.भरत मारुती गोगावले	

अ क्र.	मतदार संघ क्रमांक	मतदार संघाचे नाव	विधानसभा सदस्याचे नाव	सही
३	१३८	कल्याण पश्चिम, ठाणे	मा. विश्वनाथ आत्माराम भोईर	
४	१८९	कर्जत, रायगड	मा. महेंद्र सदाशिव धोरवे	
५	१३४	भिवंडी ग्रामीण, ठाणे	मा. शांताराम तुकाराम मोरे	
६	१३०	पालघर	मा. श्रीनिवास चिंतामण वनगा	
७	१०	चोपडा, जळगाव	सौ. लता चंद्रकांत सोनवणे	
८	१०८	जौरंगाबाद पश्चिम	मा. संजय पांडुरंग शिरसाळ	
९	२४०	उमरगा - लोहारा, धाराशिव	मा. ज्ञानराज धोंडीराम चौधुरे	
१०	१८४	भायखळा, मुंबई	सौ. यामिनी यशवंत जाधव	
११	२५३	सांगोला, सोलापूर	मा. शहाजी राजाराम पाटील	
१२	२४३	परंडा - उस्मानाबाद	मा. तानाजी जयवंत सावंत	
१३	२६१	माटण, सातारा	मा. शंभूराज शिवाजीराव देसाई	
१४	२५७	कांग्रगाव, सातारा	मा. महेश संभाजीराजे शिंदे	
१५	१५८	मागायाण, मुंबई	मा. प्रचताश राजाराम सुर्चे	
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अ क्र.	मतदार संघ क्रमांक	मतदार संघाचे नाव	विधानसभा सदस्याचे नाव	सही
१७	१९२	अलिबाग, रायगड	मा. महेंद्र हरी दळवी	
१८	११०	पैठण, संभाजीनगर	मा. संदीपान आसाराम भुमरे	
१९	११२	वैजापूर, संभाजीनगर	मा. रमेश नानासाहेब बोरनारे	
२०	१४०	अंबरनाथ, ठाणे	मा. बालाजी प्र. किणीकर	
२१	१०४	सिल्लोड - सोयगाव, संभाजीनगर	मा. अब्दुल सत्तार	
२२	१०७	औरंगाबाद - मध्य	मा. प्रदीप शिवनारायण जैस्वाल	
२३	२२	दुलढाणा	मा. संजय रामभाऊ गायकवाड	
२४	१६	एरंडोल, जळगाव	मा. चिमणराव रुपचंद पाटील	
२५	२८६	खानापूर, सांगली	मा. अनिल कलजेराव बाबर	
२६	११३	नांदगाव, नाशिक	मा. सुहास द्वारकानाथ कांदे	
२७	१४६	श्रीवळा-माजिबडा, ठाणे	मा. प्रताप बाबुराव सरनाईक	
२८	८६	नांदेड उत्तर	मा. बालाजी देविदास कल्याणकर	
२९	१८	पाचोरा - मळगाव, जळगाव	मा. विश्वोर पाटील	
३०	२६३	दापोली, रत्नागिरी	मा. गोपेश रामचारा मल्हम	

5

अ क्र.	मतदार संघ क्रमांक	मतदार संघाचे नाव	विधानसभा सदस्याचे नाव	सही
३१	२७०	सावंतवाडी, सिंधुदुर्ग	मा. दीपक केसरकर	
३२	१७४	कुर्ला, मुंबई	मा. मंगेश कुडाळकर	
३३	१४	जळगाव - ग्रामीण	मा. गुलाबराव पाटील	
३४	१८१	माहीम, मुंबई	मा. सदा सरवणकर	
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३६	११५	मालेगांव, नाशिक	मा दादाजी दगडू भूसे	
३७	७९	दिग्रज, यवतमा	मा संजय दुलीचंद राठोड	
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INDIA

Shiv Sena back to hooliganism, MLA's office; Sanjay Raut war 'unleashing fire' on streets

Shiv Sena mouthpiece in its editorial 'Saamna' lashed out at the BJP and also accused of engineering and threatening some with fear of central agencies.



Published 8 hours ago on June 25, 2022

By **Mukesh Ranjan**

[INDIA](#)[WORLD](#)[ENTERTAINMENT](#)[SPORTS](#)[BUSINESS](#)[AUTO](#)[TECH](#)



ADVERTISEMENT

New Delhi: As the antagonism between Uddhav Thackeray camp and rebel Eknath Shinde escalates and Shiv Sena gets increasingly cornered, the party is resorting to arm-tactics and threats to rebel group.

Sanjay Raut today ripped into the Bharatiya Janata Party (BJP), accusing it of engineering asked them to 'stop bleating like a gloat'. He also warned the rebels, staying in a luxury hc ruled state, that the patience of people was wearing thin.



INDIA

WORLD

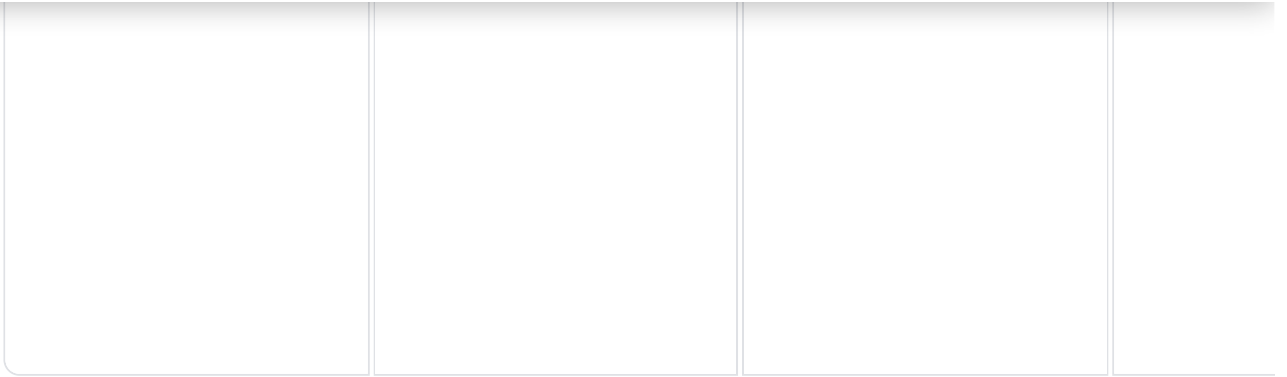
ENTERTAINMENT

SPORTS

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AUTO

TECH



House Of Chikankari

“Outside Maharashtra, you are eagles. Right now Shiv Sainiks have not come out on the st do, the streets will be on fire,” he said.

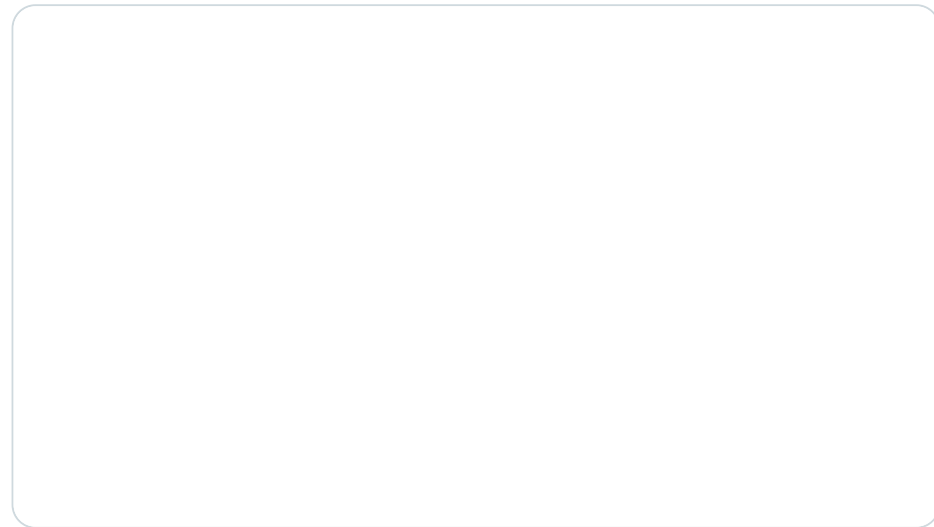
ANI  · Jun 25, 2022



@ANI

Replying to @ANI

Maharashtra | Stop bleating like a goat (to BJP leaders)... During our meeting last night in the presence of Sharad Pawar, we received a call from 10 (rebel) MLAs... Come to the floor of the House, and we will know who is stronger: Shiv Sena leader Sanjay Raut

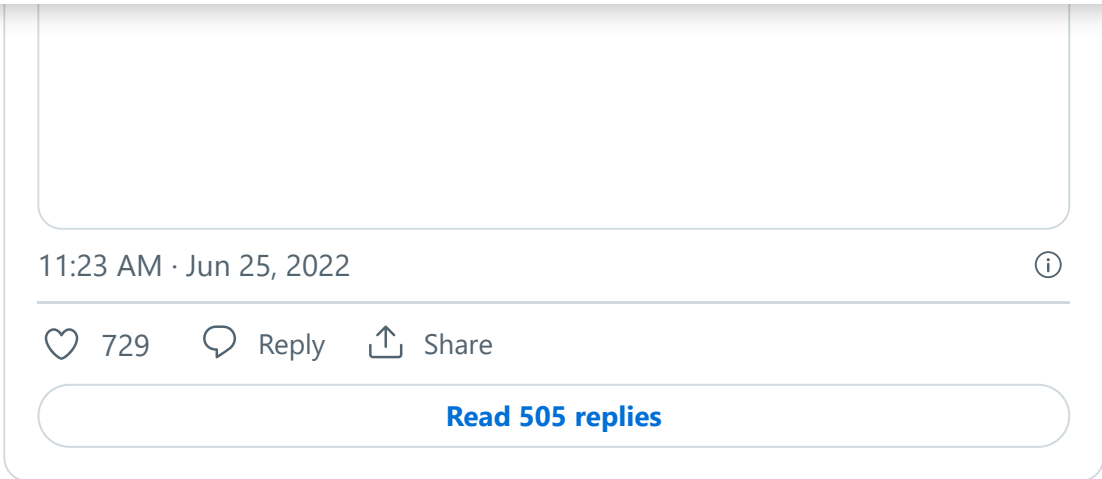


ANI 

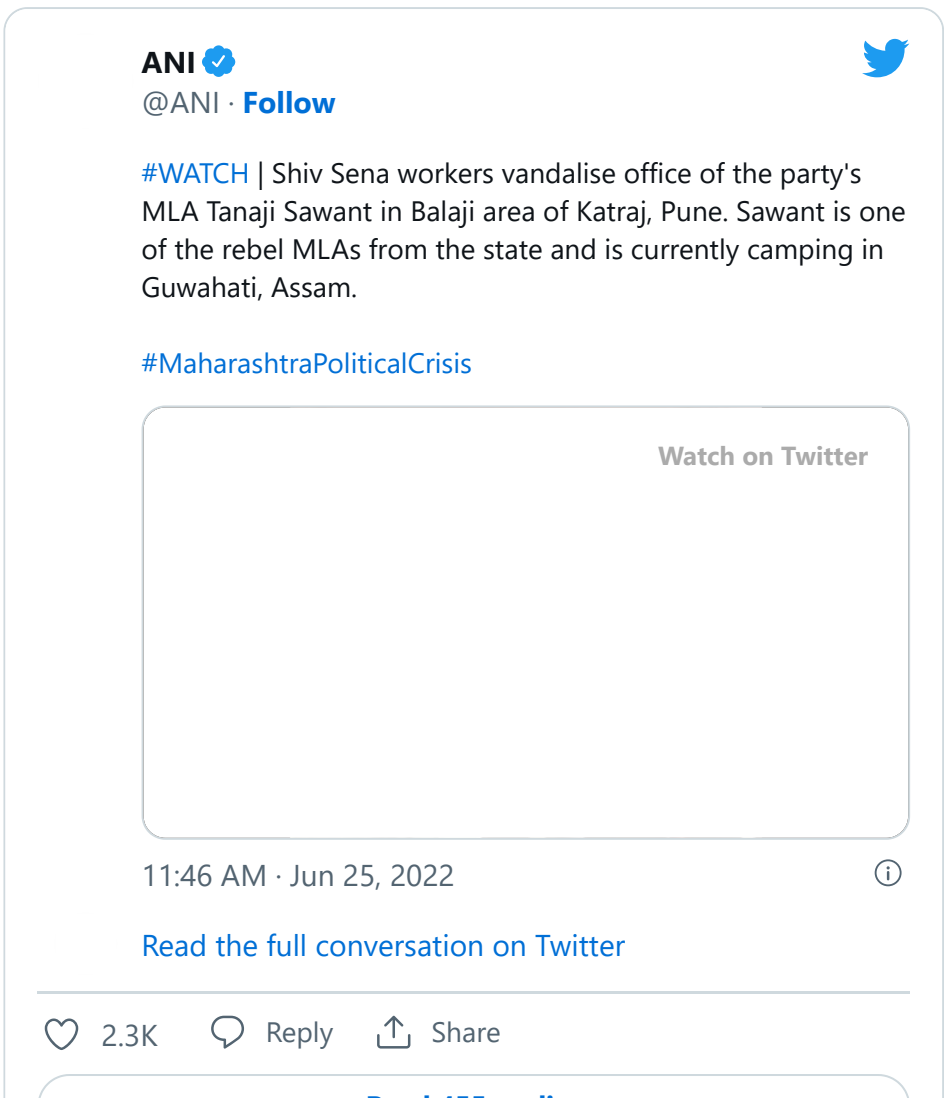
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Outside Maharashtra, you are eagles. But people's patience is wearing thin. Right now Shiv Sainiks have not come out on the streets. If they do, the streets will be on fire: Shiv Sena leader Sanjay Raut





Apparently provoked by party’s top leadership, the Sena workers today attacked a party rel Tanaji Sawant’s office in Pune. The act of vandalism was recorded on camera. Rebel MLA Sawant is currently camping with rebel Shinde camp in Assam.



ANNEXURE P-12

NO: RB/2022/1887105



आजारी का अमृत महोत्सव

BHAGAT SINGH KOSHYARI
GOVERNOR OF MAHARASHTRA



सत्यमेव जयते

RAJ BHAVAN
Malabar Hill
Mumbai 400 035
Tel. : 022-2363 2660
Fax. : 022-2368 0505

25th June, 2022.

Dear Sri Ajay K. Bhalla ji-

I have received a representation (copy encl.) dated 25th June 2022 from 38 MLAs, of Shiv Sena, 2 MLAs of Prahar Jan Shakti Party and 7 Independent MLAs stating that the police security of their families "has been illegally and unlawfully withdrawn". They have also raised serious concerns about the safety of their homes and families in context of the provocative and threatening statements being made by certain political leaders.

I have already issued directions to the State Police to provide adequate police protection to the MLAs, their families and homes on an immediate basis. Despite this, offices and homes of some of the MLAs have been vandalised with the police being a mute spectator.

It is accordingly requested that adequate provision of Central Security Forces be made and kept ready, in case required, to address the situation.

Yours sincerely,

(Bhagat Singh Koshyari)

Shri Ajay Kumar Bhalla,
Home Secretary,
Ministry of Home Affairs,
Government of India,
North Block,
New Delhi - 110001.



आजारी का अक्षर महोदय

BHAGAT SINGH KOSHYARI
GOVERNOR OF MAHARASHTRA



सत्यमेव जयते

RAJ BHAVAN
Malabar Hill
Mumbai 400 035
Tel. : 022-2363 2660
Fax. : 022-2368 0505

25th June, 2022.

Dear Sri Manu Kumar J.

I have received a representation (copy encl.) dated 25th June 2022 from 38 MLAs, of Shiv Sena, 2 MLAs of Prahar Jan Shakti Party and 7 Independent MLAs stating that the police security of their families "has been illegally and unlawfully withdrawn". They have also raised serious concerns about the safety of their homes and families in context of the provocative and threatening statements being made by certain political leaders. Already, offices and homes of some of the MLAs have been vandalised with the police being a mute spectator.

I therefore, direct you to provide adequate police protection to the MLAs, their families and homes on an immediate basis.

I may be apprised of the action taken in this regard.

Yours sincerely,

(Bhagat Singh Koshyari)

Shri Manu Kumar Srivastava,
Chief Secretary to the Government,
Mantralaya,
Mumbai - 400032.



आजादी का अमृत महोत्सव

BHAGAT SINGH KOSHYARI
GOVERNOR OF MAHARASHTRA



सत्यमेव जयते

RAJ BHAVAN
Malabar Hill
Mumbai 400 035
Tel. : 022-2363 2660
Fax. : 022-2368 0505

25th June, 2022.

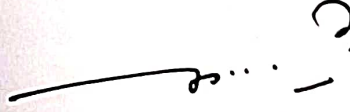
Dear Sir: Anand Limaye ji-

I have received a representation (copy encl.) dated 25th June 2022 from 38 MLAs, of Shiv Sena, 2 MLAs of Prahar Jan Shakti Party and 7 Independent MLAs stating that the police security of their families "has been illegally and unlawfully withdrawn". They have also raised serious concerns about the safety of their homes and families in context of the provocative and threatening statements being made by certain political leaders. Already, offices and homes of some of the MLAs have been vandalised with the police being a mute spectator.

I therefore, direct you to provide adequate police protection to the MLAs, their families and homes on an immediate basis.

I may be apprised of the action taken in this regard.

Yours sincerely,


(Bhagat Singh Koshyari)

Shri Anand Limaye,
Additional Chief Secretary to the Government,
Home Department,
Mantralaya,
Mumbai - 400032.



आमदारो का अमृत पालेख

BHAGAT SINGH KOSHYARI
GOVERNOR OF MAHARASHTRA



सत्यमेव जयते

RAJ BHAVAN
Malabar Hill
Mumbai 400 035
Tel. : 022-2363 2660
Fax. : 022-2368 0505

25th June, 2022.

Dear Sri. Rajnish Seth,

I have received a representation (copy encl.) dated 25th June 2022 from 38 MLAs, of Shiv Sena, 2 MLAs of Prahar Jan Shakti Party and 7 Independent MLAs stating that the police security of their families "has been illegally and unlawfully withdrawn". They have also raised serious concerns about the safety of their homes and families in context of the provocative and threatening statements being made by certain political leaders. Already, offices and homes of some of the MLAs have been vandalised with the police being a mute spectator.

I therefore, direct you to provide adequate police protection to the MLAs, their families and homes on an immediate basis.

I may be apprised of the action taken in this regard.

Yours sincerely,

(Bhagat Singh Koshyari)

Shri Rajnish Seth,
Director General of Police,
Maharashtra State,
Maharashtra Police Headquarters,
S.B. Singh Road,
Colaba,
Mumbai – 400001.



BHAGAT SINGH KOSHYARI
GOVERNOR OF MAHARASHTRA



RAJ BHAVAN
Malabar Hill
Mumbai 400 035
Tel. : 022-2363 2660
Fax. : 022-2368 0505

25th June, 2022.

Dear Sir Pandey,

I have received a representation (copy encl.) dated 25th June 2022 from 38 MLAs, of Shiv Sena, 2 MLAs of Prahar Jan Shakti Party and 7 Independent MLAs stating that the police security of their families "has been illegally and unlawfully withdrawn". They have also raised serious concerns about the safety of their homes and families in context of the provocative and threatening statements being made by certain political leaders. Already, offices and homes of some of the MLAs have been vandalised with the police being a mute spectator.

I therefore, direct you to provide adequate police protection to the MLAs, their families and homes on an immediate basis.

I may be apprised of the action taken in this regard.

Yours sincerely,

(Bhagat Singh Koshyari)

Shri Sanjay Pandey,
Commissioner of Police,
Mumbai,
Mumbai Police Headquarters,
Opp. Crawford Market,
Mumbai - 400001.

ANNEXURE P-17

25th June 2022

Hon Deputy Speaker

Before Maharashtra Vidhan Sabha

Vidhan Bhavan, Mumbai-400 032

Disqualification Application Number 1 of 2022

Shri Sunil Prabhu, MLA (159-Dindoshi)- ... Applicant

603, Sai Abhishek, Yashodham, Goregaon (East), Mumbai- 400 063

V/s

Shri Eknathrao Sambhaji Shinde, MLA (147- Kopari) ... Non-Applicant

Subh-Deep Bunglow, Landmark Society, Thane, Maharashtra

Summons to Non Applicant

Whereas the Applicant has filed Application Number 1 of 2022 for disqualification of you Non-Applicant before Deputy Speaker, Maharashtra Legislative Assembly, we hereby along with all the annexed documents issue summons as under

You are instructed to submit written submissions as per the procedure laid in the The members of Maharashtra Legislative Assembly (Disqualification on ground of defections) Rules 1986) by Monday, 27th June 2022 by 5.30 pm to Deputy Speaker. You are also instructed to submit all the relevant documents you are going to rely or dependent to be submitted along with this reply.

You also note that, if these written submissions not given within stipulated time, it will be assumed that you have nothing to say on this Application & decision will be taken accordingly.

This summons issued as per the orders by Deputy Speaker, Maharashtra Assembly & my signature.

As per the orders of Hon Deputy Speaker

Sign

Rajendra Bhagwat,

Principal Secretary

Maharashtra Legislative Secretariat

ANNEXURE P-18

BEFORE THE HON'BLE SPEAKER

MAHARASHTRA STATE LEGISLATIVE ASSEMBLY

क्र. 24/6/22 वेळ 6.07 P.M.
सही

IN THE MATTER OF:

SH. SUNIL PRABHU

... PETITIONER

VS

SH. EKNATH SAMBHAJI SHINDE

... RESPONDENT

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11/15/24/6/12022

प्रधान सचिव म. वि. स.
व्याप्त नोंद
उपरोक्त
महाराष्ट्र विधानसभा
विधान भवन, मुंबई

उपरोक्त
महाराष्ट्र विधानसभा
विधान भवन, मुंबई



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FILED BY:

[Handwritten signature]

[Handwritten signature]
SUNIL PRABHU

**R/O 503, B WING,
SAI ABHISHEK,
OPPOSITE YASHODHAM SCHOOL,
YASHODHAM MARG,
GOREGAON EAST – MUMBAI - 63**



**BEFORE THE HON'BLE SPEAKER
MAHARASHTRA STATE LEGISLATIVE ASSEMBLY**

IN THE MATTER OF:

SH. SUNIL PRABHU

... PETITIONER

VS

SH. EKNATH SAMBHAJI SHINDE

... RESPONDENT

PETITION UNDER RULE-6 OF THE MEMBERS OF MAHARASHTRA LEGISLATIVE ASSEMBLY (DISQUALIFICATION ON GROUND OF DEFECTION) RULES, 1986, SEEKING DISQUALIFICATION OF THE RESPONDENT IN TERMS OF THE PROVISIONS OF PARA-2(1)(a) OF THE TENTH SCHEDULE OF THE CONSTITUTION OF INDIA, 1950

IT IS HUMBLY SUBMITTED:

1. That the Petitioner is an elected Member of the Legislative Assembly ('MLA') of the State of Maharashtra and the Chief Whip of the Shiv Sena Legislature Party ('SSLP') in the Maharashtra State Legislative Assembly. The Petitioner is constrained to file this petition to bring to the notice of the Hon'ble Speaker certain blatant and brazen actions of the Respondent who in conspiracy with a handful of other MLAs are acting against the interests of the party in order to destabilize and bring down the Maha Vikas Aghadi ('MVA') government, which is led by the Respondent's original political party i.e. SSLP. The conduct / action of the Respondent in concert with other MLAs leads to the unimpeachable inference that the Respondent has committed the constitutional sin of defection under Para-2(1)(a) of the Tenth Schedule as will be demonstrated hereinafter. It is further submitted that the Petitioner has thus, before the making of the instant petition, satisfied himself that there exist reasonable grounds to believe that the Respondent has become subject to disqualification under the Tenth Schedule.
2. That the Respondent has been elected as a Member of the Maharashtra State Legislative Assembly from 147 Kopri – Pach Pakhadi Assembly constituency, on a ticket from the Shiv Sena Political Party. The Respondent along with certain other delinquent members of the SSLP have been acting in cahoots with the BJP to topple the MVA Government in the State by orchestrating defections from within their original political party i.e. SSLP, purely for ulterior and corrupt motives, through bribery, undue influence and other illegal means.



3. It is submitted that the Petitioner is constrained to present the instant disqualification Petition as the Respondent defector has by his conduct voluntarily given up membership of the SSLP. Not only has the Respondent become totally incommunicado with the SSLP leaders but has also deliberately remained absent from the urgent meetings called for by the party leadership on 21.06.2022 as well as on 22.06.2022, despite being fully aware of the crucial importance of these meetings, which were held in the backdrop of the Maharashtra Legislative Council ('MLC') elections, wherein the Shiv Sena lost one crucial seat on account of cross-voting by some of its members. Such conduct on the part of the Respondent as well as on the part of the other delinquent MLAs, acting under the directions of the BJP, gives rise to a legitimate inference that the Respondent has voluntarily relinquished membership of the SSLP.

CONCISE STATEMENT OF MATERIAL FACTS

4. That the elections to the 14th Legislative Assembly of Maharashtra were conducted in the month of October, 2019. The seat distribution was/is as follows :

SL. No.	NAME OF THE POLITICAL PARTY	NUMBER OF SEATS	STRENGTH AS ON 01.06.2022
1.	Shiv Sena	56	55
2.	NCP	53	53
3.	INC	44	44
4.	BJP	106	106
5.	BVA	3	3
6.	AIMIM	2	2
7.	SP	2	2
8.	PJP	2	2
9.	CPI(M)	1	1
10.	MNS	1	1
11.	PWP	1	1



12.	Swabhimani Paksha	1	1
13.	Jan Suraj	1	1
14.	Rashtriya Samaj Paksha	1	1
15.	KSP	1	1
16.	Independents	13	13
Total		288	287

5. That a post poll alliance was formed between the Shiv Sena, the NCP as well as the INC in order to form the government in the State of Maharashtra with the President of the Shiv Sena i.e. Shri Uddhav Thackeray, being sworn in as the Chief Minister.
6. The BJP which had formed the government in the 13th Legislative Assembly with the support of the Shiv Sena did not take it well that the Shiv Sena formed the government with NCP and Congress, breaking away its alliance with the BJP. Since then the leaders of the BJP, both at the centre as well as the state, have been holding a grudge against the MVA government and particularly against Shiv Sena and have been making concerted efforts to orchestrate division / defection within the Shiv Sena.
7. The scheming of the BJP to create divisions within the Shiv Sena manifested itself in the recently conducted MLC elections held on 20.06.2022, wherein despite having the requisite number of MLAs on its side, the MVA alliance led by the Shiv Sena lost a seat to the BJP which had orchestrated cross-voting within the MVA and particularly within the Shiv Sena.
8. The results of the MLC elections took the leadership of the SSLP by surprise. Immediately thereafter, it was widely reported in the media that Shri Eknath Shinde, who was a Cabinet Minister of Urban Development and Public Works (Public Undertakings) has along with certain other delinquent MLAs of the SSLP has gone into hiding in the BJP ruled neighbouring state of Gujarat.
9. In order to contain and allay the apprehensions that were arising in the party, post the MLC elections, an urgent meeting of the SSLP was called



for on 21.06.2022. In this regard, a whip was also issued, a copy of which is annexed hereto and marked as **ANNEXURE P-1**

10. The Respondent along with certain other MLAs did not bother to attend the same. A true copy of the attendance register of the meeting dated 21.06.2022 is annexed hereto and marked as **ANNEXURE P-2**
11. The party resolved in the said meeting to remove Shri Eknath Shinde from the position of the leader of the SSLP and appoint Shri Ajay Choudhari instead. A true copy of the resolution dated 21.06.2022 is annexed hereto and marked as **ANNEXURE P-3**
12. The said decision was communicated to the Hon'ble Speaker on 21.06.2022 itself and the Hon'ble Speaker on the very said date itself accepted the same. A true copy of the letter informing the Speaker of the 21.06.2022 resolution is annexed hereto and marked as **ANNEXURE P-4**

A true copy of the Speaker's letter dated 21.6.2022 is annexed hereto and marked as **ANNEXURE P-5**
13. Nevertheless, in the interests of the party, it was thought fit to call for another legislature party meeting so as to give one more opportunity to the MLAs who were absent in the meeting dated 21.06.2022, in order to show their loyalty and support to their original political party. Hence another meeting of the SSLP was called for on 22nd of June, 2022. Individual notices were issued to all MLAs of the Shiv Sena and it was made adequately clear that "*failure to participate in the meeting without providing valid and adequate reasons in writing, communicated in advance to the undersigned, will result in consequential action against you under the relevant provisions of the Constitution of India.*" A true copy of the notice dtd. 22.06.2022 is annexed hereto and marked as **ANNEXURE P-6**
14. Despite the grave importance of the meeting called for on 22nd of June, 2022, aimed at consolidating the SSLP's strength and to contain any possible horse-trading, the Respondent has not bothered to attend the meeting. A true copy of Attendance Sheet for the Meeting held on 22.06.2022 is annexed herewith and marked as **ANNEXURE P-7**
15. Instead the Respondent has sent a communication rejecting the holding of the meeting as illegal which in itself shows that the Respondent has been working contrary to the diktats of the original political party. A true copy of the communication dated 22.6.2022 sent by the Respondent is annexed hereto and marked as **ANNEXURE P-8**

A



16. Thereafter, as an afterthought the said Respondent along with other delinquent MLAs have passed an illegal backdated 'resolution' appointing Shri Eknath Shinde as the leader of the SSLP and Shri Bharat Gogawale as the Chief Whip. A true copy of the illegal resolution dated 22.06.2002 is annexed hereto and marked as ANNEXURE P-9
17. That the Petitioner responded to the communication dated 22.06.2022 of the Respondent rejecting the reason given for the latter's absence from the SSLP meeting as an afterthought, frivolous, backdated, and proof of the Respondent acting contrary to the interests of the original political party. A true copy of the communication dated 22.06.2022 sent by the Petitioner to the Respondent is annexed hereto and marked as ANNEXURE P-10
18. It is further submitted that conduct of the Respondent along with other delinquent MLAs is totally in concert with the main opposition party in the State i.e. Bhartiya Janta Party (BJP), and this is evident from the fact that they remained in hiding in the State of Gujarat first and subsequently flew away to the state of Assam, both states being ruled by the BJP dispensation. It is interesting to note that MLAs of Maharashtra are passing 'resolutions' sitting in Assam, which has the effect of destabilising the government in Maharashtra.
19. All this conduct cumulatively gives rise to the unequivocal inference that that the Respondent along with his cohorts are indulging in anti party activities by orchestrating defections within the SSLP in order to destabilize the MVA government. In view of this situation it was resolved in the SSLP meeting held on 22.06.2022 at the CM's residence that necessary legal action shall be taken under the Tenth Schedule against errant MLAs. A true copy of the resolution dated 22.06.2022 passed in the SSLP meeting is annexed hereto and marked as ANNEXURE P-11
20. That instead of responding to the repeated requests of the Party to establish communication with the Party leadership and attend SSLP Meetings, the respondent and his associates / co-conspirators have chosen to stay in the State of Assam under the protection of a Bhartiya Janata Party (BJP) - ruled State. The Respondent and his associates / co-conspirators have made themselves inaccessible to the party and its officials for dialogue. They have remained mysteriously inaccessible in pursuance of their sinister objective of toppling the MVA government. It is also pertinent to mention that the Respondent and his associates have blatantly and publicly gone against the Party and the MVA Government. It is submitted that under no circumstances can the conduct of the Respondent be called 'dissent' against



party leadership, particularly when such dissenters are sitting in the lap of the main opposition i.e. BJP, which by hook or crook wants to bring down the MVA government.

21. The preceding paragraphs make it evident that the Respondent along with certain other delinquent MLAs are working in connivance to create distrust in the party and consequently overthrow the government, by going against the directions, will and ideology of the Party. It is pertinent to note that in identical circumstances when the Speaker of the Karnataka Legislative Assembly disqualified delinquent INC MLAs on the ground that their failure to not attend the CLP meeting amounted to voluntary relinquishment of the party membership, the said decision was upheld by the Hon'ble Supreme Court in *Shrimanth Balasaheb's* case (2020) 2 SCC 595 (#174).
22. That the Hon'ble Supreme Court of India has unequivocally held that in cases where the conduct of the legislator leads inescapably to the inference of his or her desire to "voluntarily give up membership of the party", then they attract the provisions of Para-2(1)(a) of the Tenth Schedule of the Constitution of India and the legislator must be disqualified having "voluntarily" given up membership of his political party. The following observations of the Hon'ble Apex Court in this regard given in the case of *Ravi S. Naik Versus Union of India and Others* reported in 1994 Supp. (2) SCC 641 are most relevant:-

"The words 'voluntarily given up his membership' are not synonymous with 'resignation' and have a wider connotation. A person may voluntarily give up his membership of a political party even though he has not tendered his resignation from the membership of that party. Even in the absence of a formal resignation from membership an inference can be drawn from the conduct of a member that he has voluntarily given up his membership of the political party to which he belongs."

23. That subsequently, the Hon'ble Supreme Court in the case of *G. Viswanathan Versus The Hon'ble Speaker, Tamil Nadu Legislative Assembly, Madras* and Another reported in 1996 (2) SCC 353 observed as follows:

"The act of voluntarily giving up the membership of the political party may be either express or implied."

24. Further, the Hon'ble Supreme Court in a three-judge Bench decision upheld the disqualification of Legislators under the Tenth Schedule of the Constitution for his conduct off the floor of the house in the case of *Dr.*



SECRETARY

Mahachandra Prasad Singh Versus Chairman, Bihar Legislative Assembly and Others reported in 2004 (8) SCC 747.

25. That the Hon'ble Supreme Court has clearly laid down that 'voluntarily giving up membership of the party' means not only resignation, but also the conduct of the concerned MLA, which expressly or impliedly conveys leaving from the party by the legislator which had granted him the ticket for fighting the election and the candidate has won in order to become member of the Legislative Assembly.
26. That prior to the above stated observations made by the Hon'ble Supreme Court, the Committee of Privileges (Eighth Lok Sabha) had made the following observations with regards to the meaning of the term 'voluntarily giving up membership':-

"...As the law does not define the precise manner in which the membership is to be given up, the words have to be interpreted according to the spirit in which they have been used in the Act. The intention of the law-makers is quite clear: that it is not only by the overt act of tendering his resignation but also by his conduct that a member may give up the membership of his political party. The Committee are of the view that if a member by his conduct makes it manifestly clear that he is not bound by the party discipline and is prepared even to wreck it by his conduct, he should be prepared to pay the price of losing his seat and seeking re-election."

27. That the aforesaid instances, singularly and collectively, lead inescapably and irresistibly to the conclusion that the Respondent and his associates have "voluntarily given up membership" of the SSLP and the provisions of Para-2(1)(a) of the Tenth Schedule of the Constitution of India are attracted to disqualify him and his associates with immediate effect.

PRAYER

In light of the above stated facts, circumstances and contentions, it is, therefore, humbly prayed that:

- (a) That the Respondent be declared to have voluntarily given up his membership of the Shiv Sena Legislature Party in the Maharashtra Legislative Assembly;
- (b) Consequently, the Respondent be declared disqualified from the Maharashtra Legislative Assembly in terms of Para-2(1)(a) of the Tenth Schedule, with immediate effect; and



[Handwritten signature]



(c) Pass any such further orders or reliefs which Hon'ble Speaker may deem fit and proper, in light of the facts and circumstances of the case, in favour of the Petitioner.

AND FOR THIS ACT OF KINDESS THE PETITIONER AS IN DUTY BOUND SHALL FOREVER PRAY

Date: 23.06.2022

Place: Mumbai

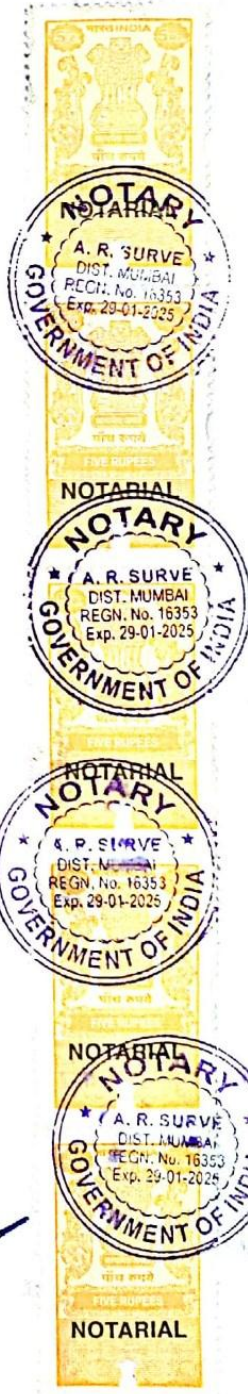
[Handwritten Signature]

SUNIL PRABHU
(PETITIONER)

VERIFICATION

I, Sunil Prabhu, the Petitioner hereinabove do hereby verify that the contents of para 1 are partly based on personal knowledge and partly based on legal advice which I duly believe to be true and correct; the contents of para 2 are based on information derived from records which I believe to be true and correct; the contents of para 3 are partly based on personal knowledge and partly based on information received which I believe to be true; the contents of para 4 are based on information derived from records which I believe to be true and correct; the contents of para 5, 6 and 7 is based on personal knowledge; the contents of para 8 is partly based on personal knowledge and partly based on information derived from records; the contents of para 9, 10, 11, 12, 13, 14 and 15 are based on personal knowledge as well as information derived from records which I believe to be true and correct; the contents of para 16 are based on information derived from records which I believe to be true and correct; the content of para 17, 18 are based on personal knowledge as well as on information derived from records which I believe to be correct; the content of para 19 and 20 are based on personal knowledge as well as information based on record which I believe to be true and correct; the contents of paras 21, 22, 23, 24, 25, 26, 27 as well as the prayer clause is based on legal advice which I believe to be true and correct. I further state that no part of this petition is false and nothing material has been concealed therefrom.

Verified at Mumbai on the 23rd day of June, 2022.



BEFORE ME

A. R. SURVE
ADVOCATE & NOTARY
GOVT. OF INDIA
REG. No. 16353

[Handwritten Signature]
SUNIL PRABHU
(PETITIONER)

NOTED & REGISTERED

Page No. 62 / 6614
Date 23 JUN 2022

Seen Original
PAN / Aadhar / Election
Card / Driving License / I-
Card - Passport / POA
Bearing No. 52506304652
Dated: 23 JUN 2022

BEFORE THE HON'BLE SPEAKER
MAHARASHTRA STATE LEGISLATIVE ASSEMBLY

IN THE MATTER OF:

SH. SUNIL PRABHU

... PETITIONER

VS

SH. EKNATH SAMBHAJI SHINDE

... RESPONDENT

AFFIDAVIT

I, Sunil Prabhu S/o Waman, aged about 53 years, R/o 503, B Wing, Sai Abhishek, Opposite Yashodham School, Yashodham Marg, Goregaon East - Mumbai - 63, do hereby state on solemn affirmation as under:

1. That I am the Petitioner in the above mentioned Disqualification Petition and as such I am well conversant with the facts of the present case and competent to swear the present affidavit.
2. I say that I have read and understood the contents of the Disqualification Petition which has been drafted under my instructions and state that the facts therein are true to the best of my knowledge and belief.
3. That the Annexures filed along with the Disqualification Petition are true copies of their respective originals.


DEPONENT

VERIFICATION

I, the deponent above named do hereby verify that the contents of paras 1 to 3 of the present affidavit are true and correct to the best of my knowledge and belief and that no part of it is false and nothing material has been willfully concealed therefrom.

Verified at Mumbai on this the 23rd day of June, 2022.

Seen Original


PAN / Aadhar / Election
Card / Driving License / I-
Card - Passport / POA

Bearing No. 545063046523

Dated: 23 MAR 2022

For Verification 9

BEFORE ME


A. R. SURVE
ADVOCATE & NOTARY
GOVT. OF INDIA
REG. No. 16353

DEPONENT



NOTED & REGISTERED
Reg. No. 6680
Page No. 73
Date 23 MAR 2022



Deputy Speaker insofar as recognizing Mr. Ajay Choudhury as the leader of the Shiv Sena Legislature Party (SSLP) despite the said request being admittedly made by a minority faction of the SSLP. Further, the said Respondent No. 1, even after belonging to minority faction of the SSLP, has also filed a Petition under Rule 6 of MLA Defection Rules seeking disqualification of the Petitioner under Para-2(1)(a) of the Tenth Schedule of the Constitution of India for which the Petitioner received notice dated 25.07.2022 (hereinafter “**Impugned Notice**”) from Respondent No. 1 which was signed by Respondent No. 2.

2. The averments made in the accompanying Writ Petition may be treated as part and parcel of the present application, and the same are not being repeated herein, for the sake of brevity.
3. The Petitioner is seeking a stay on the effect and operation of the notice dated 25.07.2022 as the same is grossly illegal, unconstitutional -and in utter disregard of the judgment of this Hon’ble Court in the matter of *Nabam Rebia & Bamang Felix VS Dy. Speaker, Arunachal Pradesh Legislative Assembly in (2016) 8 SCC 1* which read thus:

“193. ...We are, therefore, of the view that constitutional purpose and constitutional harmony would be maintained and preserved, if a Speaker refrains from adjudication of a

petition for disqualification under the Tenth Schedule, whilst his own position, as the Speaker is under challenge.”

194. For the reasons recorded hereinabove, we hereby hold, that it would be constitutionally impermissible for a Speaker to adjudicate upon disqualification petition under the Tenth Schedule, while a notice of resolution for his own removal from the Office of the Speaker, is pending.”

4. That the seat of Hon'ble Speaker is vacant since Sh. Nana Patole resigned from office in February, 2021. Thus, there is no authority who can adjudicate upon the disqualification petition under which the Impugned Notice has been issued to the Petitioner.
5. Apart from the above constitutional limitation that the Deputy Speaker faces in deciding the present disqualification the Petitioner most respectfully submits that the disqualification petition filed by Respondent No. 1 who himself has no authority to do so. It is submitted that Mr. Prabhu, claiming to be the Chief Whip is no longer holds the said post and therefore has no legal authority to maintain the said petition under the tenth schedule of the Constitution of India.
6. Pertinently, on 21st of June, 2022, the majority members of the Shiv Sena Legislature Party held a meeting and passed a

resolution appointing Mr. Bharat Gogavale as the Chief Whip of the Shiv Sena Legislature Party and also reaffirmed the Petitioner herein as the 'Gatneta'/Leader of the Shiv Sena Legislature Party.

7. The Petitioner submits that the whip contemplated under Paragraph 2 of the Tenth Schedule is for a vote on the Floor of the House and no whip could have been issued for a meeting admittedly held outside the House. The Petitioner submits that a meeting of the Party not concerned with business or vote on the Floor of the House cannot be converted into a weapon to disqualify duly elected members under the garb of the Tenth Schedule.
8. Furthermore, the Maharashtra Legislative Assembly has framed the Members of Maharashtra Legislative Assembly (Disqualification on the ground of Defection) Rules, 1986 under Paragraph 8 of the 10th Schedule to the Constitution of India. Rule 6 deals with the Disqualification Petitions and Rule 6 (4)(a) requires every Disqualification Petition to contain a concise statement of "Material Facts".
9. A bare perusal of the Disqualification Petition as filed against the Petitioner would show that conspicuously absent in the same are any averments much less material averments to conclusively

show that the Petitioner has incurred any Disqualification under Paragraph 2 of the 10th Schedule. It is the case of Respondent No.5, that absence from meetings allegedly held on 21.06.2022 and 22.06.2022 amount to disobedience of the alleged whip issued by Respondent No.1 and on the basis of the same it can be inferred that the Petitioner has voluntarily given up membership of SSLP. The other contentions is that by passing Resolution reaffirmation the Petitioner as the leader of SSLP, the Petitioner and other members have engaged in activity against the party. It is most respectfully submitted that none of the aforesaid grounds would qualify under paragraph 2 of the X Schedule to the Constitution of India as a ground of disqualification.

10. Despite of the above, the Deputy Speaker has gone ahead and issued the impugned notice/summons to the Petitioner which is in complete violation of the fundamental rights of the Petitioners are guaranteed to them under Article 19(1)(g) and Article 14 of the Constitution of India.
11. The disqualification notice is classic example of the Deputy Speaker acting hand in glove with the Government in an attempt to hastily disqualify the Petitioner along with other supporters. The Disqualification Rules and the Maharashtra Legislative

Assembly Rules are sought to be completely bypassed. A perusal of the Disqualification Notice dated 25.06.2022 would show that the Petitioner has been granted merely 48 hrs. to reply to the same. Rule 7(3)(b) of the disqualification rule reads as under:

“3.If the Petition complies with the requirements of Rule 6, the Speaker shall cause copies of the Petition and of the annexures thereto to be forwarded,-

(a) To the member in relation to whom the Petition has been made; and

(b) Where such member belongs to any legislature party and such Petition has not been made by the leader thereof, also to such leader;

And such member or leader shall within seven days of the receipt of such copies, or within such further period as the Speaker may for sufficient cause allow, forward his comments in writing thereon to the Speaker.”

[Emphasis Supplied]

12. It would therefore be clear that a person sought to be disqualification under the rules is entitled to a period of at least 7 days further extendable by the Speaker to submit his comments on the disqualification Petition. This period of 7 days is sought to be illegally curtailed by granting the Petitioner merely 48 hrs. to reply to the disqualification Petition which is nothing but an eyewash to put a façade of compliance of the rules. The Petitioner therefore submits that the disqualification notice dated 26.05.2022 is completely mala fide with a view to illegally disqualify the Petitioner.

13. Furthermore, the Petitioner is also seeking a stay of the order/letter purportedly passed on 21.06.2022 whereby the Respondent No. 1 has recognized Respondent No. 5 as the 'gatneta'/leader of the Shiv Sena Legislature party.
14. It is submitted that the said order is completely unlawful and illegal as admittedly the said order was passed by the Respondent No. 1 on the basis of a purported resolution of the same date, i.e. 21.06.2022 passed by a minority faction of the Shiv Sena Legislature Party. It is submitted that some of the 24 out of 55 members who had signed the said resolution, have withdrawn their consent to the said resolution and have extended support and reaffirmed the Petitioner as the leader of the Shiv Sena Legislature Party.
15. The Respondent No. 1, despite being completely aware of the fact that more than 2/3rd majority of the members of the Shiv Sena Legislature Party support the Petitioner and have reaffirmed him as the gatneta/leader of the party vide their resolution dated 21.06.2022 (as well as subsequent affirmation by way of affidavits).
16. It is further submitted that while the said order is dated 21.06.2022, the same was published in the media only on 24.06.2022. Further, the Petitioner was not even given any notice

before passing the said order despite being himself being the gatneta/leader of the Shiv Sena Legislature Party.

17. Thus, the impugned order dated 21.06.2022 passed by the Respondent No. 1 recognizing Respondent No. 4 as the gatneta / leader of the Shiv Sena Legislature Party is liable to be stayed with immediate effect.
18. The Petitioner has a good prima facie case in his favour. The Petitioner will suffer irreparable loss and injury in case the interim prayer of the Petitioner is not granted.
19. Furthermore, it is common knowledge that the current government in the State of Maharashtra, led by the Maha Vikas Aghadi alliance has lost the majority in the house. However, the government continues to misuse the office of the Deputy Speaker to ensure that they remain in power by whatever means necessary. Thus, the balance of convenience lies in favour of the Petitioner and against the Respondent.
20. In view of the above facts and circumstance, the Petitioner most respectfully submits that the Impugned Notice dated 25.06.2022 issued to the Petitioner by the Deputy Speaker on the disqualification petition filed by the Respondent No. 5 as well as the impugned order purportedly passed 21.06.2022 by the

Respondent No. 1 recognizing Respondent No. 4 as the Gatneta/Leader of the Shiv Sena Legislature Party are liable to be stayed by this Hon'ble Court, in the interest of justice.

21. The Petitioner submits that the interest of justice, equity and good conscience this Hon'ble Court maybe pleased to allow the present application.

PRAYER

In the grounds set forth above, it is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Grant stay of the Impugned Notice dated 25.06.2022 issued by the Respondent No. 1 and on the disqualification petition filed by the Respondent No. 5 till the disposal of the present Writ Petition;
- b) Direct the Respondent No. 2 to maintain status quo and not take any decision on the disqualification petition filed by the Respondent No. 5 till the disposal of the present Writ Petition;
- c) Grant stay of the Impugned Notice dated 21.06.2022 issued by the Respondent No. 1 recognizing Respondent No. 4 as the 'Gatneta/Leader of the Shiv Sena Legislature Party till the disposal of the present Writ Petition;

- d) Grant an ad-interim ex-parte stay in terms of prayers a-c above.
- e) Pass any other order or direction as this Hon'ble Court may deem fit under the present facts and circumstances.

AND FOR THIS ACT OF KINDNESS, THE PETITIONERS AS IN DUTY BOUND, SHALL EVER PRAY.

FILED BY



[ABHINAY SHARMA]

Date: 26.06.2022

Place: New Delhi

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
I.A. No. OF 2022
IN
WRIT PETITION (C) NO. OF 2022

IN THE MATTER OF:

EKNATHRAO SAMBHAJI SHINDE ...PETITIONER

VERSUS

DEPUTY SPEAKER & ORS ...RESPONDENTS

**APPLICATION FOR EXEMPTION FROM FILLING OFFICIAL
TRANSLATION**

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND
HIS COMPANION JUSTICES OF THE HON'BLE
SUPREME COURT OF INDIA.

The humble petition of the
Petitioner above-named.

MOST RESPECTFULLY SHOWETH: -

1. The Petitioner herein are constrained to invoke the jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India challenging the arbitrary and illegal exercise of provisions of Members of Maharashtra Legislative Assembly (Disqualification on ground of Defection) Rules, 1986 (hereinafter referred as "**MLA**

Defection Rules”) by the Respondent No. 1 which is completely violative of Article 14 and 19(1)(g) of the Constitution of India as well as the illegal and unconstitutional action of the Deputy Speaker insofar as recognizing Mr. Ajay Choudhury as the leader of the Shiv Sena Legislature Party (SSLP) and Mr. Sunil Prabhu as the Chief Whip of the SSLP despite the said request being admittedly made by a minority faction of the SSLP. Further, the said Respondent No. 1, even after belonging to minority faction of the SSLP, has also filed a Petition under Rule 6 of MLA Defection Rules seeking disqualification of the Petitioner under Para-2(1)(a) of the Tenth Schedule of the Constitution of India for which the Petitioner received notice dated 25.07.2022 (hereinafter **“Impugned Notice”**) from Respondent No. 1 which was signed by Respondent No. 2.

2. That for the sake of brevity the contents of the accompanying Writ Petition are not being repeated herein, but the contents of the accompanying Writ Petition may be read as part and parcel of this application and the Petitioner craves leave of this Hon’ble Court to refer and rely on the same as and when this Application is taken up for hearing.
3. That the Annexure No. P-1, 3 to 8 and 17 annexed with the accompanying Writ Petition were in Marathi language and due to

urgency the same could not be translated by the Official Translator. However, the same have been translated by a person well conversant with both the languages, hence this application.

4. That the present application is made in the interest of justice.

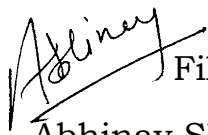
P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

- (a) exempt the petitioner from filing official translation of Annexure P-1, 3 to 8 and 17 and accept the translation filed herein; and
- (b) Pass any other order or orders may also be passed which this Hon'ble Court deems fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONERS AS IN DUTY
BOUND SHALL EVER PRAY.

Place:- New Delhi
Filed on: 26.06.2022

 Filed by:
Abhinay Sharma
Advocate for the Petitioner

IN THE SUPREME COURT OF INDIA
ORDINARY CIVIL JURISDICTION
WRIT PETITION (CIVIL) NO. _____ OF 2022

IN THE MATTER OF:

Mr. Eknathrao Sambhaji Shinde

...PETITIONER

versus


Deputy Speaker & Ors.

...RESPONDENTS

INDEX OF FILING

S.NO.	PARTICULARS	COPIES	COURT FEES
1.	Civil Writ Petition	1	-
		Total	-

Filed on: 26.06.2022


(ABHINAY)

Advocate for the Petitioner

Office: H-29, First Floor,

Jungpura Extension, New Delhi-110014

AOR Code: 3080

Phone No.: 9899272882

IN THE SUPREME COURT OF INDIA**ORDINARY CIVIL JURISDICTION****WRIT PETITION (CIVIL) NO. _____ OF 2022**IN THE MATTER OF:

Mr. Eknathrao Sambhaji Shinde ...PETITIONER
 Versus
 DEPUTY SPEAKER & Ors ...RESPONDENTS

V A K A L A T N A M A

I, Mr. Eknathrao Sambhaji Shinde, in the abovementioned Writ Petition (Civil) do hereby appoint and retain **Abhinay**, Advocate Supreme Court of India to act and appear for me in the above Special Leave Petition and on my behalf to conduct and prosecute (or defend) or withdraw the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents and to deposit and receive money on my behalf in the said Special Leave Petition and to represent me and to take all necessary steps on my behalf in the above matter. I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.

Dated this the 22nd day of June 2022

ACCEPTED

Mr. Abhinay Sharma
 Advocate

x 
 Petitioner

MEMO OF APPEARANCE

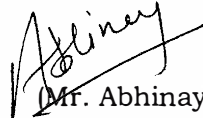
To

The Registrar,
 Supreme Court of India,
 New Delhi.

Sir,

Please enter my appearance on behalf of the Petitioner in the matter above mentioned
 Dated this the 25th day of June 2022.

Yours faithfully,


 (Mr. Abhinay Sharma)

Dated 25.06.2022

The address for service of the said Advocate is
 H-29, First Floor, Jangpura Extension
 New Delhi-14
abhinay@taslaw.in; sharmabhinay.aor@gmail.com

