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Great Matter

ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT:

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: *The Indian Express* ದಿನಾಂಕ : DATE: 19/12/20

# Is there constitutional breakdown in Andhra: SC

We find order by Andhra Pradesh High Court disturbing, says apex court bench headed by CJI S A Bobde

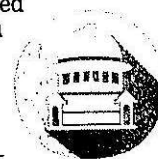
EXPRESS NEWS SERVICE @ New Delhi

TERMINING the order of Andhra Pradesh High Court as disturbing, the Supreme Court on Friday stayed an order by the Andhra Pradesh High Court whereby it had decided to examine 'if there is a constitutional breakdown in the state or not'. A bench headed by Chief Justice of India S A

Bobde said, "In any case, have you seen an order like this? As an apex court we find it disturbing. List immediately after vacation.

"The development comes after a High Court Division Bench led by Justice Rakesh Kumar rejected an application filed by the State Government seeking recall of the said order.

The State of Andhra Pradesh approached the top court challenging the order passed by the High Court on December 14 refusing to recall the October 1 order passed by the bench to examine the breakdown of constitutional machinery in the state while deciding habeas corpus petitions filed by rela-



tives of persons remanded in judicial custody or on bail.

The High Court had summoned the State counsel to assist it in deciding whether in circumstances prevailing in the State of Andhra Pradesh, the court can record a finding that there is constitutional breakdown in the State or not. The order was challenged by

the state government immediately but the single bench refused to hear it. Solicitor General Tushar Mehta submitted that this is a power exclusively vested in the Executive and cannot be exercised by the Judiciary. The plea by the state government stated, "Article 356 power has been specifically conferred upon a different Constitutional Authority."