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Apex court allows HC to pronounce order in Pilot case

NEW DELHI, DHNS

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The Supreme Court on Thursday refused to restrain the Rajasthan High Court from pronouncing its judgement on July 24 on a plea by Congress rebel leader Sachin Pilot and 18 other MLAs against the disqualification notice sent by the Assembly Speaker.

But the top court said "whatever order is passed, shall be ultimately subject to the outcome of this petition".

Refusing to pass any interim order on a plea by Assembly Speaker C P Joshi against the High Court's direction, a bench of Justices Arun Mishra, B R Gavai and Krishna Murari

said MLAs are elected by people and voice of dissent can't be shut down.

Pilot and other MLAs were issued notice by the Speaker after they failed to attend meetings of the Congress Legislature party following which they moved the HC against the disqualification notice.

The High Court asked the Speaker not to pass any order on the disqualification notice until the pronouncement of the final judgement on July 24.

As the Speaker questioned the HC's interference into the disqualification proceedings, the top court's bench said the matter required detailed hearing as it raised serious questions relating to dissent in democracy and jurisdiction.

"As the High Court has already heard the matter after prolonged arguments and reserved the order, we are not staying the

passing of the order. However, whatever order is passed, shall be ultimately subject to the outcome of this petition," the bench said. The court put the Speaker's petition for hearing on Monday, July 27.

The Speaker, led by senior advocate Kapil Sibal, contended the HC can't interdict in disqualification proceedings, which was an exclusive domain of the legislature.

Appearing for Pilot, advocate Harish Salve said the Speaker himself had deferred the proceedings twice. The issue of jurisdiction and maintainability of Pilot and others' petition has been argued before the HC.

