

2524

13.12.1995

To,

1. The Law Officer,
Union of India,
Ayakar Bhavan,
Maharshi Karve Road,
Bombay.
2. Chief Election Officer,
Election Commission of India,
Nirvashan Bhavan,
Ashok Road,
New Delhi
(Adv. Rekha Rajgopal)

Subject : High Court G.O.C.J.
Writ Petition No.14 of 94
Swatantra Party
V/s.
Union of India & Ors.

Sirs,

I am concerned for the Petitioners abovenamed.
I am sending herewith a copy of Notice of Motion
alongwith affidavit in support for the reliefs
mentioned therein. The abovementioned matter will
be mentioned before the Division Bench Coram : Kamat
& Dadar JJ on 14.12.1995 at 11 a.m. *2/15*

You may remain present ^{at} the time of
mentioning and Notice of Motion for reliefs
mentioned therein.

Yours faithfully,

[Signature]
(Advocate for the Petitioner)

Encl. : 1. Notice of Motion
2. Affidavit-in-Support.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Ordinary Original & Constitutional Jurisdiction

Notice of Motion No. 1395

in Writ Petition No. 14 of 1995

SWATANTRA PARTY)

(MAHARASHTRA))

through its General Secretary)

Shri. L.R. Sampat, having their)

registered office at Sassoon)

Building, 143, M.G. Road,)

Bombay - 400 023.)

SHRI. S.V. RAJU,)

Citizen of India,)

Editor, 'Freedom First')

4th Floor, Maneckji Wadia)

Building, 127 M.G. Road,)

Bombay - 400 001)

.... PETITIONERS

Versus

1. UNION OF INDIA)

having its office at Legal)

Department, Aayakar Bhavan,)

Maharshi Karve Road, Bombay)

2. CHIEF ELECTION COMMISSIONER	)		RESPONDENTS
OF INDIA	)		
having its office at	)		
Nirvachan Sadan, Ashok Road	)		
New Delhi - 110 001	)		
3. The Secretary	)		
Election Commission of	)		
India having its office at	)		
Nirvachan Sadan, Ashok Road,	)		
New Delhi - 110 001	)		

TAKE NOTICE THAT the Petitioner will move the Hon'ble High Court before Hon'ble Division Bench Coram: Agarwal & Majithia J.J. on Friday, the 22nd of September, 1995 at 2.45 p.m. when the Counsel for the Petitioners will be heard for following reliefs:

A) This Hon'ble High Court be pleased to direct the Respondent No. 1 and 2 to grant provisional registration as Political Party as per the provisions of Representation of People Act without insisting on compliance of Section 29-A of the said Act.

B) In the alternative, this Hon'ble High Court be pleased TO GRANT INTERIM STAY to the provisions of Section 29-A of Representation of People Act and restrain the Respondents from insisting on compliance of Section 29-A of the Act.

C) In the alternative, this Hon'ble Court be pleased to
FIX A DATE OF FINAL HEARING before 30th October,
1995 and decide the Writ Petition No. 14 of 1995
at the earliest.

D) To pass such other and further Orders as this
Hon'ble High Court deems fit on the facts and in the
circumstances of the case.

THIS NOTICE OF MOTION is)
taken out at the instance of)
the Petitioners by Mr. Rajiv)
Patil, Advocate, on this)
day of September, 1995)

ADVOCATE FOR PETITIONERS

To:

1. Chief Election Commissioner of India
2. The Secretary, Election Commission
Nirvachan Sadan, Ashok Road, New Delhi 110 001

N.B:- The Affidavit of Mr. L.R. Sampat, the General Secretary
of the Petitioner shall be relied upon as Affidavit-in-
support of Notice of Motion.

In The High Court of
Judicature At Bombay.

Ordinary Original &
Constitutional Jurisdiction

Notice of Motion No. 1995.

In Writ Petition No. 14 of 1995.

Swatantra Party
Maharashtra
and Another
...Plantif Petitioners)

Versus

Union of India)
and Others)
...Respondents)

Notice of Motion

Advocate for Petitioners:-

Rajiv Patil,
6 A, Krishna Kanj,
36, Shivaji Park,
Dr. M. B. Raut Marg,
Bombay 400 026.
Phone No. 445 8489.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Ordinary Original & Constitutional Jurisdiction

Notice of Motion No. 30 1996

In Writ Petition No. 14 of 1995

SWATANTRA PARTY

(MAHRASHTRA)

AND ANOTHER

}

....

PETITIONERS

Versus

UNION OF INDIA

AND OTHERS

}

....

RESPONDENTS

I, L.R. SAMPAT, General Secretary of the Petitioner
No. 1, hereby state on solemn affirmation as under:

1. By the present Petition, the Petitioners have questioned the constitutionality of sub-section 3 of Section 29 (A) of the Representation of the People Act 1951. In that it refuses registration to a political party desiring registration unless the said party inter alia affirms true faith and allegiance to the principle of socialism. The Petitioner also seeks a direction to the Respondent No.3, Election Commissioner India, directingg him to register the Petitioner No. 1 as a Political Party under the provisions of the Representation of the People Act 1951.

2. The this Hon'ble Court on 12th January, 1995 heard the matter for admission and issued rule and also expedited the hearing. 9.7
3. I say that the Petition is thus admitted affecting the service on the Respondents and is ready for final hearing. 10.8
4. The Petitioners at that stage prayed for interim relief in view of the impending elections to the Maharashtra Legislative Assembly. In ter alia, the Petitioners had prayed for provisional registration. However, this Hon'ble Court was pleased to direct expeditious hearing of the matter itself.
5. The Petitioner submits that the Petitioner No.1 has not been able to get itself registered because of the offending provisions challenged in the present Petition and has thus almost given a complete go-bye to the Assembly elections held in February, 1995.
6. That the Lok Sabha elections are expected to be held in December, 1995. That the Petitioner No.1 intends to field candidates for the said elections to the Lok Sabha. Therefore, it is absolutely essential that it be able to go to the polls as a Registered Political Party.

9.7

That in the circumstances, it is submitted that it is essential in the interest of justice that this Hon'ble Court is pleased to allow the Notice of Motion taken out by the Petitioner herein.

10.8

I say that the Respondents are served with the Rule nisi on 18th February, 1995 and thus the Petition is ready for final hearing.

SOLEMNLY AFFIRMED AT BOMBAY, THIS.....DAY OF
SEPTEMBER, 1995

L.R. SAMPAT

IN THE HIGH COURT OF
JUDICATURE AT BOMBAY.
ORDINARY ORIGINAL &
CONSTITUTIONAL JURISDICTION

Notice of Motion No. 30 1996.

In Writ Petition No. 14 of 1995.

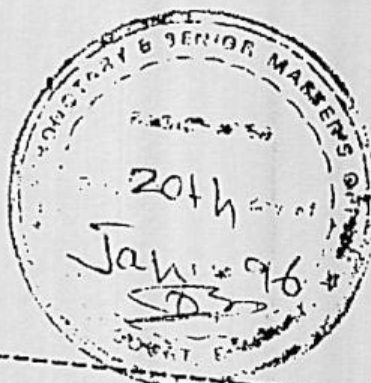
Swatantra Party
(Maharashtra)
and Another
... Petitioners

Versus

Union of India
and Another
... Respondents

Notice of Motion.

Affidavit of Mr. L.R. Sampat:-
Dated:- 9th Day of September 1995



Advocate for Petitioners.-
Rajiv Patil,
6-A, Krishna Kunj,
36, Shivaji Park,
Dr. M. B. Raut Marg,
Bombay 400 026.
Phone No. 445 8489.

ofc

To

24.1.1996.

1. The Law Officer, Union of India,
Ayakar Bhavan, Karve Rd,
Bombay.
2. Mrs. Rakha Rajgopal,
Adv. for Election Commission,
of India.

Re: High Court OOCJ Notice of motion no. of 1996.
in writ petition no. 14 of 1995.
Swatantra Party vs. Union of India & ors.

Sirs,

Please note that the abovementioned notice of motion
is made returnable on 25.1.1996 before the Hon'ble division
bench Coram: C.J. and Sawant J.

On 14.12.1995 a notice in the above motion was served
upon you alongwith affidavit. On that day both of you appeared
before the division bench Coram: Kamat and Datar JJ which was
made returnable on 8.1.1996. On 8.1.1996 the abovementioned
notice of motion was once again moved before the Hon'ble
Hon'ble High Court. However, petitioners were directed to
move before the division bench presided over by Hon'ble Chief
Justice. The returnable date on notice of motion therefore
was extended to 25.1.1996.

Please note that the abovementioned matter will be
removed (if not listed) before the Hon'ble Court Coram: C.J.
and Sawant J. on 25.1.1996. You have already waived service

Can
25.1.96
अ. 10-00 AM
भाषकरी-मुकदमा नुसुमा
विधि एवं न्याय प्रशासन,
हिंमि कार्य विभाग,
आवासीय सचिवालय, 2
महाराष्ट्र भवन, पतंजली, 2
न्यू मरीन लाईन्स,
मुम्बई-400 020.

Yours faithfully,

~~Ansauer~~

Adv. for petitioners.

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High Court of Judicature at Bombay

CASE DETAILS

Bench:-Bombay

Lodging No.:- WPL/80014/1995 *Filing Date:-* 00/00/0000 *Reg. No.:-* WP/14/1995 *Reg. Date:-* 00/00/0000

Petitioner:- SWATANTRA PARTY & ANR. -

Respondent:- UNION OF INDIA & CO. -

Petn. Adv.:- RAJIV PATIL

Resp. Adv.:- MRS.S.BHATTACHARYA.

District:-

Bench:- DIVISION

Status:- Disposed

Category:- WRIT PETITIONS (SINGLE BENCH)

Disp. Date:- 11/08/2004

Disp. Type:- DISPOSED OFF

Disp. By:- HON'BLE SHRI JUSTICE S. RADHAKRISHNAN
HON'BLE SHRI JUSTICE S.A. BOBDE

Last Date:- 11/08/2004

Stage:- RULES FOR ARGUMENT

Last Coram:- HON'BLE SHRI JUSTICE S. RADHAKRISHNAN
HON'BLE SHRI JUSTICE S.A. BOBDE

Office Information

Connected Matters

Application cases

Listing Dates

Orders/Judgment



13.12.1995

To,

1. The Law Officer,
Union of India,
Ayakar Bhavan,
Maharshi Karve Road,
Bombay.
2. Chief Election Officer,
Election Commission of India,
Nirvashan Bhavan,
Ashok Road,
New Delhi
(Adv. Rekha Rajgopal)

Subject : High Court O.O.C.J.
Writ Petition No.14 of 94
Swatandra Party
V/s.
Union of India & Ors.

Sirs,

I am concerned for the Petitioners abovenamed.
I am sending herewith a copy of Notice of Motion
alongwith affidavit in support for the reliefs
mentioned therein. The abovementioned matter will
be mentioned before the Division Bench Coram : Kamat
& Dadar JJ on 14.12.1995 at 44 a.m. *2/15*

: 2 :

You may remain present ^{at} ~~at~~ the time of
mentioning and Notice of Motion for reliefs
mentioned therein.

Yours faithfully,

ASQUITH
(Advocate for the Petitioner)

Encl. : 1. Notice of Motion
2. Affidavit-in-Support.