

4826

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)

through its General Secretary

Shri L.N. Saampat, having their

registered office at Sassoon

Building, 143, M.G. Road,

Bombay - 400 023.

..... PETITIONERS

SHRI S.V. RAJU,

Citizen of India,

Editor, 'Freedom First'

4th Floor, Manockji Wadia

Building, 127 M.G. Road,

Bombay - 400 001

Versus

1. UNION OF INDIA

having its office at

Legal Department, Aayakar

Bhavan, Maharshi Karve

Road, Bombay

2. CHIEF ELECTION COMMISSIONER
OF INDIA

having its office at
Nirvachan Sadan, Ashok Road
New Delhi - 110 001.

... RESPONDENTS

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
September, 1995 at 2.45 p.m. when the Counsel for
the Petitioner 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)
..... PETITIONERS)

Versus

UNION OF INDIA)
AND OTHERS)
..... RESPONDENTS)

NOTICE OF MOTION

True Copy
Adm. In Rtn

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

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}
}

PETITIONERS

Versus

UNION OF INDIA

AND OTHERS

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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 5 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.
3. I say that the Petition is thus admitted affecting the service on the Respondents and is ready for final hearing.
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. 1995.

In Writ Petition No. 14 of 1995.

Swatantra Party
(Maharashtra)
and Another
... Petitioners

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Versus

Union of India
and Another
... Respondents

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Notice of Motion.

Affidavit of Mr. L.R. Sampat:-
Dated:- 20th 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.
