



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPC No. 514 of 2023Himank Saluja **Versus** Union Of India

WPC/595/2023,

09/02/2023	<p>Mr. SC Verma, Advocate General and Sr. Advocate with Mr. Chandresh Shrivastava, Addl. Advocate General, for the State/petitioner in WPC No.595/2023 and for respondents No. 2 to 4 in WPC No.514/2023.</p> <p>Dr. NK Shukla, Sr. Advocate with Mr. Shailendra Shukla and Mr. Arijit Tiwari, counsel for the petitioner in WPC No.514/2023.</p> <p>Mr. Ramakant Mishra, DSG for Union of India.</p> <p>Mr. B. Gopa Kumar with Mr. Anurag Dayal Shrivastava, counsel for respondent No.5 in WPC No.514/2023 and respondent No.2 in WPC No.595/2023.</p> <p>On the Court slip filed by respondent No.2, the matter has been listed today.</p> <p>WPC No.595/2023</p> <p>This writ petition has been filed under Article 226 of the Constitution of India challenging the action of respondent No.2 whereby assent to the Bill duly passed by the State Legislature has not been granted.</p> <p>Counsel for respondent No.2 has filed an application today for recalling of the order dated 6.2.2023 whereby notice was directed to be issued to respondent No.2, as also an application for staying the effect and operation of the order dated 6.2.2023.</p> <p>Learned counsel for the petitioner prays for some time</p>
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to file reply to these applications. He submits that on the last date of hearing, the matter was argued by the senior counsel Mr. Kapil Sibbal and the matter was fixed on 24th February, 2023. So, these application may be head on the said date.

Learned counsel for respondent No.2, referring to the order dated 1.2.2016 passed in Special Leave to Appeal (C) No.876/2016 by the Hon'ble Apex Court whereby the Hon'ble Apex Court recalled the notice issued to Governor, submits that Secretary to the Governor is also protected on behalf of the Governor.

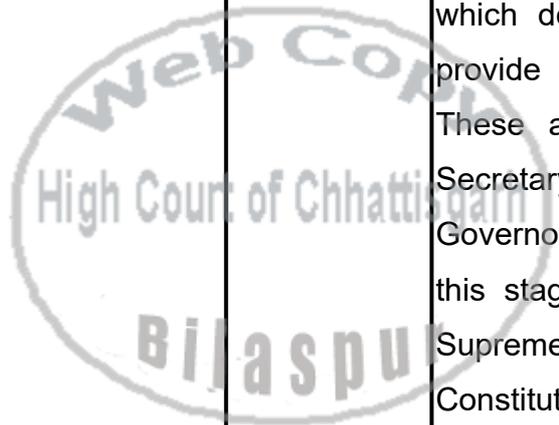
Heard learned counsel for the parties.

One of the silences in the Constitution is in Article 200 which does not prescribe a timeline for the Governor to provide assent to Bills sent by the Legislative Assembly. These applications have been filed on the ground that Secretary to the Governor is also protected on behalf of the Governor. Without commenting anything on the said issue at this stage, considering the aforesaid order of the Hon'ble Supreme Court and the provisions of Article 200 of the Constitution of India, it is ordered that till decision on the aforesaid applications, the effect and operation of the order dated 6.2.2023 passed in WPC No.595/2023 shall remain stayed.

WPC No.514/2023

Learned counsel for the petitioner submits that copy of the applications filed in WPC No.595/2023 by respondent No.2 therein, has not been supplied to the petitioner as in the present petition also, Secretary to the Governor is a party i.e. respondent No.5. So, copy of the said applications may be directed to be supplied to the petitioner.

Looking to the pleadings in this writ petition and in the connected petition i.e. WPC No.595/2023, counsel for





respondent No.2 in WPC No.595/2023 is directed to supply copy of both the above applications to the petitioner herein.

List both these cases on 24th February, 2023.

sd/
(Rajani Dubey)
Judge

