

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C)No.....D No.8311 OF 2017

CHANDRAKANT KAVLEKAR

.....PETITIONER

VERSUS

UNION OF INDIA THROUGH ITS SECRETARY & ANR.

.....RESPONDENTS

O R D E R

1. The challenge raised in the instant petition emerges from a Press Note dated 12.03.2017 - Annexure P-1, and the grievance with reference to the same, emerging from a communication dated 12.03.2017 - Annexure P-3, addressed by the leader of the Congress Legislative Party, to the Governor of the State of Goa (which is shown to be served on 13.03.2017).

2. During the course of hearing today, an order dated 12.03.2017, was handed over to us, depicting the appointment of Shri Manohar Parrikar, as the Chief Minister of the State of Goa. The above order is taken on record and marked as 'Annexure-A'. The above order is stated to have been issued after a letter dated 12.03.2017 was addressed by the Governor, to Shri Parrikar. The instant letter is also taken on record and marked as 'Annexure - B'.

3. It is not a matter of dispute, that the result of the electoral process in the State of Goa was declared on 11.03.2017.

The said Assembly comprises of 40 elected members. The party having support of at least 21 elected members, would obviously have majority. Annexure - B reveals, that besides the 13 elected members from the BJP Legislative Party, 3 members from the Maharashtrawadi Gomantak Party, Goa, and another 3 members from the Goa Forward Party have expressed their support to the BJP Legislature Party. Besides the above, two elected independent members, have also been mentioned in the letter of the Governor - Annexure-B, as having expressed their allegiance to the BJP Legislature Party. It is therefore, that the BJP Legislature Party is shown to have the support of 21 MLAs.

4. In the communication - Annexure P-3, referred to hereinabove, the aforesaid factual position has been seriously disputed. The support in favour of the BJP is alleged to be a mis-representation of fact. The position expressed in the above communication, has however not been specifically disputed. It is in the above manner, that the determination rendered by the Governor, has been assailed at the behest of the petitioner, who indeed is the Leader of the Congress Legislature Party.

5. During the course of hearing, we were satisfied, that the instant sensitive and contentious issue raised on behalf of the petitioner, can be resolved by a simple direction, requiring the holding of a floor test at the earliest. The holding of the floor test would remove all possible ambiguities, and would result in giving the democratic process, the required credibility.

6. We therefore hereby direct, that all pre-requisite formalities for holding a floor test, including the formalities

required to be completed by the Election Commission, be completed by 15.03.2017. We request the Governor of the State of Goa to ensure, that a floor test is held on 16.03.2017, and the only agenda for the day would be, the holding of a floor test to determine whether the Chief Minister administered the oath of office, has support of the majority. The floor test shall be held on 16.03.2017, as early as possible, but surely during the course of the same day.

7. With the above directions and observations, the instant petition is disposed of.

8. As a sequel to the above, pending interlocutory application(s) also stand(s) disposed of.

.....CJI.
(JAGDISH SINGH KHEHAR)

.....J.
(RANJAN GOGOI)

.....J.
(R.K.AGRAWAL)

NEW DELHI;
MARCH 14, 2017.

ITEM NO.1

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) Diary No(s).8311/2017

CHANDRAKANT KAVLEKAR

Petitioner(s)

VERSUS

UNION OF INDIA THROUGH ITS SECRETARY & ANR.

Respondent(s)

(With appln.(s) for stay/directions)

Date : 14/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE R.K.AGRAWAL
(VACATION BENCH)

For Petitioner(s) Dr.Abhishek Manu Singhvi, Sr.Adv.
Mr.Devadatt Kamat, Adv.
Ms.Lavanya Regunathan Fischer, Adv.
Mr.Javedur Rahman, Adv.
Mr.Gautam Talukdar, Adv.
Mr.Azeem Samuel, Adv.
Mr.Siddhartha K., Adv.

For Respondent(s) Mr.Maninder Singh, ASG
For UOI Mr.Nalin Kohli, Adv.
Mr.Ashok K.Srivastava, Adv.
Mr.R.Balasubramanian, Adv.
Mr.Prabhas Bajaj, Adv.
Mr.D.L.Chidanand, Adv.
Mr.Ankit Roy, Adv.
Mr.B.K.Prasad, Adv.

Mr.Harish N.Salve, Sr.Adv.
Ms.Vijay Lakshmi Menon, Adv.
Mr.Anish Kapur, Adv.
Mr.Haaris Fazili, Adv.
Mr.Chaitanya Kaushik, Adv.

For RR No.2 Ms.Surekha Raman, Adv.
Mr.Purushottam K.Jha, Adv.
Mr.Anuj Sarma, Adv.
Ms.Niharika, Adv.
Mrs.Kanika Kalaiyarasan, Adv.
For M/s K.J.John & Co., Adv.

Upon hearing the counsel the Court made the following
O R D E R

1. We hereby direct, that all pre-requisite formalities for holding a floor test, including the formalities required to be completed by the Election Commission, be completed by 15.03.2017. We request the Governor of the State of Goa to ensure, that a floor test is held on 16.03.2017, and the only agenda for the day would be, the holding of a floor test to determine whether the Chief Minister administered the oath of office, has support of the majority. The floor test shall be held on 16.03.2017, as early as possible, but surely during the course of the same day.
2. With the above directions and observations, the instant petition is disposed of.
3. As a sequel to the above, pending interlocutory application(s) also stand(s) disposed of.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RENUKA SADANA)
ASSISTANT REGISTRAR

(Signed order is placed on the file)