



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 8238 of 2025

Amitabh Thakur

.....Petitioner(s)

Versus

U.O.I. Thru. Secy. Ministry Of Law And Justice
New Delhi And Another

.....Respondent(s)

Counsel for Petitioner(s)	: In Person
Counsel for Respondent(s)	: A.S.G.I., Anupriya Srivastava

Court No. - 2

**HON'BLE MRS. SANGEETA CHANDRA, J.
HON'BLE BRIJ RAJ SINGH, J.**

Heard the petitioner in person, Sri Shashi Prakash Singh, learned Additional Solicitor General of India, along with Sri S.B. Pandey, learned Deputy Solicitor General of India assisted by Sri Deepanshu Das, Advocate, for the respondent no.1 and Sri O.P. Srivastava, learned Senior Advocate, assisted by Ms. Anupriya Srivastava, Advocate, for the respondent no.2.

This petition has been filed with the following main prayer:-

"Kindly issue a writ in the nature of Mandamus or any other appropriate writ, order or direction thereby directing the respondents, Union of India and all its instrumentalities and the Election Commission of India, not to give effect to section 16 of the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023, which says- "Protection of Chief Election Commissioner and other Election Commissioners- Notwithstanding anything contained in any other law for the time being in force, no Court shall entertain or continue any civil or criminal proceedings against any person who is or was a

Chief Election Commissioner or an Election Commissioner for any act, thing or word, committed, done or spoken by him when, or in the course of acting or purporting to act in the discharge of his official duty or function", as being ultra vires to the Constitution of India and being null and void for all the reasons stated in above."

A preliminary objection has been raised regarding the maintainability of the writ petition for the relief sought to be claimed therein.

The petitioner, who appears on person, prays that he may be given time to appropriately amend the writ petition.

List this case on 05.09.2025 as fresh.

(Brij Raj Singh,J.) (Mrs. Sangeeta Chandra,J.)

August 29, 2025

Rahul