

ITEM NO.46 Court 3 (Video Conferencing) 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) No(s). 854/2021

KISAN MAHAPANCHAYAT & ANR. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(FOR ADMISSION and IA No.93105/2021-EX-PARTE STAY and IA
No.93116/2021-EXEMPTION FROM FILING O.T.)

Date : 04-10-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s)

Mr. Ajay Choudhary, AOR

For Respondent(s)

Mr. K.K. Venugopal,
(Id. Attorney General for India)
Mr. Tushar Mehta, SG
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal , Adv.
Mr. B K Satija, Adv.
Ms. Garima Prasad
Mr. B. V. Balaram Das, AOR

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

Heard Mr. K.K. Venugopal, learned Attorney General
for India, who has graciously appeared pursuant to the
request made by this Court vide order dated 01.10.2021.

Heard learned counsel for the petitioners as well as
Mr. Tushar Mehta, learned Solicitor General appearing for
the Union of India.

After hearing learned counsel for the concerned parties and the Attorney General for India, we deem it appropriate to examine the central issue as to whether the right to protest is an absolute right and, more so, the writ petitioner having already invoked the legal remedy before the Constitutional Court by filing writ petition, can be permitted to urge much less assert that they can still resort to protest in respect of the same subject matter which is already sub-judice before the Court.

Considering the fact that the present petitioners have filed writ petition before the High Court of Judicature at Rajasthan at Jaipur Bench, being D.B.Civil Writ (PIL) Petition No. 9672/2020, we deem it appropriate to withdraw the said writ petition to this Court to be heard along with this petition.

We direct the Registry to take immediate steps to summon the record of stated writ petition from the Rajasthan High Court and to register it as transferred case, to be heard along with this writ petition on the next date scheduled on 21.10.2021.

In the meantime, the respondents in both the petitions to file their common response, if any.

Copy whereof be served on the counsel for the petitioners in respective cases.

We make it clear that these petitions may proceed for hearing on the scheduled date.

We were informed that there are other writ petitions pending in this Court involving challenge to the validity of the three enactments. The Registry may seek appropriate directions in this regard from Hon'ble the Chief Justice of India.

(DEEPAK SINGH)
COURT MASTER (SH)

(PARVEEN KUMARI PASRICHA)
ASSISTANT REGISTRAR