

End of the List .  
FR no 7135/20

IN THE HIGH COURT OF KARNATAKA AT BANGALORE  
(Original Jurisdiction)

W.P. No.

/2020

**BETWEEN;**

Mr. Digvijay Singh ,

**PETITIONER**

**AND,**

The State of Karnataka & others

**RESPONDENTS**

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Place: Bangalore

Date: 18.03.2020

Advocate for Petitioner  
(LEELA P DEVADIGA)

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**  
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**SYNOPSIS**

| DATE       | EVENTS                                                                                         |
|------------|------------------------------------------------------------------------------------------------|
| 04.03.2020 | Three MLAs of the Indian National congress were brought to Bangalore.                          |
| 09/03/2020 | Seventeen MLAs of the Indian national congress were brought to Bangalore.                      |
| 12.03.2020 | Four more MLAs were brought to Bangalore.                                                      |
| 26.03.2020 | The election to elect the members to Rajya Sabha is to be held on 26 <sup>th</sup> March 2020. |

**BRIEF FACTS OF THE CASE**

The petitioner is the former Chief Minister of Madhya Pradesh and presently a member of the upper house of parliament (Rajya Sabha). He is also the General Secretary of the All India Congress Committee (AICC). The election to elect the members to Rajya Sabha is to be held on 26th March 2020. The Indian National Congress with the support of four independent MLAs, two MLAs of the Bahujan Samaj Party and one MLA of the Samajwadi Party, formed the Government, under the leadership of Sri Kamal Nath, who was thereafter sworn as the Chief Minister of Madhya Pradesh. Accordingly the Indian National Congress legitimately

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expects to win two seats. The party has also issued a whip to all its legislators to vote for the official candidate of the party.

It is submitted that of late, a series of attempts have been made by the Opposition Party the Bharatiya Janata Party to topple the lawfully elected government and form their own government. In this quest for power, the elected members of the Legislative Assembly are being lured with offers of ministry and money. When this fails, threat and force, including abduction and unlawful detention, is being used as a *modus* to topple the Government of Madhya Pradesh. It is submitted that a few of the MLAs have been forcibly brought to Bengaluru City and are kept confined against their consent in various hotels and resorts of the Bangalore. They have been shifted from one resort to other and kept inaccessible with the active involvement and connivance of the respondent police.

The petitioner being the candidate in the forthcoming elections as aforesaid, found out through his sources that the MLAs, who are the voters are starting in the respondent resort at Bangalore. It is submitted that on landing in Bangalore the petitioner along with senior functionaries of the Karnataka Pradesh Congress and workers went to meet the MLAs at the 4<sup>th</sup> respondent-resort where they are staying. To the shock and surprise the entire state machinery including the respondent police has made large scale preparations to prevent the petitioner from meeting the MLAs and thereby prevent him from campaigning and seeking votes from the voters. The entire premises was barricaded and secured like a high security jail. The petitioner however, in consonance to the fundamental right guaranteed to him to express himself thorough his campaign and seek votes and his right to liberty as well as the right of equal protection of the laws went ahead to meet

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MLAs. He was physically prevented by the respondent police from entering the resort premises and also illegally detained and forcibly brought to Amruthahalli police station. He was thereafter brought to the respondent No.3-Commissioner of police, and released with a warning not to go to meet the MLAs. The petitioner aggrieved by the high handed action of the police-respondent No. 2 to 4, & 6<sup>th</sup> respondent in forcibly restraining him from meeting the voters and from carrying out his campaign, which is illegal, unconstitutional and violative of his fundamental rights, filed this writ petition.

Place: Bangalore

Date: 18.03.2020

**Live**  
**Law.in**  
Advocate for Petitioner  
**(LEELA P DEVADIGA)**  
ALL ABOUT LAW

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU  
(Original Jurisdiction)

W.P.No. /2020 (Gm-Police)

**BETWEEN:**

Mr. Digvijay Singh,  
S/o. Balbhadra Singh,  
Aged about 73 years,  
R/at. B-1, Shamla Hills,  
Bhopal-462020.

**Petitioner**

**AND:**

1. The State Of Karnataka,  
Rep. By its Chief Secretary,  
Dep. Of Home Affairs,  
Vidhana Soudha,  
Dr. Ambedkar Veedhi,  
Bangalore 560 001.
2. The Director General of Police  
State of Karnataka  
Nrupathunga Road  
Bengaluru-560001.
3. The commissioner of Police,  
Ali Asker Rd, Vasanth Nagar,  
Bengaluru-560051.
4. The Station House Officer,  
Amruthahalli Police Station,  
Bangalore-560092.
5. Ramada Resort,  
No. 45/2 Honnehahalli,  
Doddaballapur Road, Yelahanka,  
Bengaluru-560064.  
Rep. General Manager,
6. The Deputy Commissioner of Police,  
North East Division,  
Bangalore City,  
Bangalore-560092.

**RESPONDENTS**

**MEMORANDUM OF WRIT PETITION FILED UNDER ARTICLES 226  
AND 227 OF CONSTITUTION OF INDIA**

The Petitioner most humbly submits follows;

1. The petitioner is the former Chief Minister of Madhya Pradesh and presently a member of the upper house of parliament (Rajya Sabha). He is also the General Secretary of the All India Congress Committee (AICC).

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The election to elect the members to Rajya Sabha is to be held on 26th March 2020. The Madhya Pradesh Assembly having a strength of 228 members will elect three members in the forthcoming elections. The current strength of the Assembly is 228. 2 seats are Vacant. Indian National Congress has 114 & Bharathiya Janatha Party has 107, Bahujan Samajavadi Party Has 2, Samajavadhi Party has 1, Independent 4, except BJP all are with Indian Nation Congress.

2. The petitioner is the official candidate of the Indian National Congress seeking election to the Rajya Sabha from Madhya Pradesh and the elected members of the legislative assembly of Madhya Pradesh is the voting college.

3. The total strength of the Legislative Assembly of Madhya Pradesh is 230 and a political party or a group having majority in the Assembly, which is 116 seats, will form the Government. In the elections held to the Assembly, in the year 2018, the Indian National Congress won 114 seats while the members of the Opposition and the erstwhile ruling party, the Bharatiya Janata Party, own 109 seats. The Indian National Congress with the support of four independent MLAs, two MLAs of the Bahujan Samaj Party and one MLA of the Samajwadi Party, formed the Government, under the leadership of Sri Kamal Nath, who was thereafter sworn as the Chief Minister of Madhya Pradesh. Accordingly the Indian National Congress legitimately expects to win two seats. The party has also issued a whip to all its legislators to vote for the official candidate of the party.

4. It is submitted that of late, a series of attempts have been made by the Opposition Party the Bharatiya Janata Party to topple the lawfully elected government and form their own government. In this quest for power, the elected members of the Legislative Assembly are being lured

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with offers of ministry and money. When this fails, threat and force, including abduction and unlawful detention, is being used as a *modus* to topple the Government of Madhya Pradesh.

5. It is submitted that a few of the MLAs have been forcibly brought to Bengaluru City and are kept confined against their consent in various hotels and resorts of the Bangalore. On 04 /03/2020, 3 MLAs of the Indian National Congress were brought to Bangalore. On 09/03/2020, 17 MLAs of the Indian national congress were brought to Bangalore. On 12/03/2020, 4 more MLAs were brought. They have been shifted from one resort to other and kept inaccessible with the active involvement and connivance of the respondent police.

6. The petitioner being the candidate in the forthcoming elections as aforesaid, found out through his sources that the MLAs, who are the voters are staying at the respondent No.5 resort at Bangalore. Accordingly, the petitioner in order to seek their votes by bringing to their notice the issues, he proposes to raise in parliament if elected came to Bangalore in the early morning hours of 18.03.2020.

7. It is submitted that on landing in Bangalore the petitioner along with senior functionaries of the Karnataka Pradesh Congress and workers went to meet the MLAs at the 4<sup>th</sup> respondent-resort where they are staying. To the shock and surprise the entire state machinery including the respondent police has made large scale preparations to prevent the petitioner from meeting the MLAs and thereby prevent him from campaigning and seeking votes from the voters. The entire premises was barricaded and secured like a high security jail. The petitioner however, in consonance to the fundamental rights guaranteed to him to express himself thorough his campaign and seek votes and his right to liberty as well as the right of equal protection of the laws, went ahead to meet the

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MLAs. He was physically prevented by the respondent police from entering the resort premises and also illegally detained and forcibly brought to Amruthahalli police station. He was thereafter brought to the respondent No.3-Commissioner of police, and released with a warning not to go to meet the MLAs. He was also found that he will not be permitted to meet the MLA's and they are under police protection. The manner in which the petitioner has been treated and illegally restrained is depicted in the photographs of the incident, which are hereby produced as **ANNEXURE A** to this writ petition.

8. The petitioner aggrieved by the high handed action of the police-respondent No. 2 to 4 in forcibly restraining him from meeting the voters and from carrying out his campaign, which is illegal, unconstitutional and violative of his fundamental rights is in the absence of an alternate, efficacious remedy approaching this Hon'ble Court under article 226&227 of the constitution of India in the following amongst other grounds that may be urged at the appropriate stage. The petitioner has not fled any other writ or initiated any other proceedings before any forum for the same cause of action.

#### **Grounds**

- a. The action of the respondent police-respondent No.2 to 4 in physically and forcibly preventing the petitioner from meeting his voters is illegal, without jurisdiction and high handed calling for interference by this Hon'ble court.
- b. The fundamental right of the petitioner to express himself to his voters, carry out his campaign and seek votes under article 19 of the constitution of India is grossly violated.
- c. The illegal detention of the petitioner by the respondent police-Respondent No. 2 to 4 is not only lacking in jurisdiction but also in

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violation of the petitioner's right to life and liberty under article 21 of the constitution of India. The denial of the petitioner's right to campaign while his competing candidates are freely campaigning is discriminatory and violative of article 14 of the constitution of India.

d. The conduct of the respondents suffers from manifest arbitrariness, is unreasonable and politically motivated, hence violative of article 14 of the constitution of India.

e. The respondents yielding to the dictates of their political bosses are exceeding their jurisdiction and committing gross illegality. The respondents lack the source of power to prevent the petitioner from carrying out a lawful activity.

f. The action of the respondents amounts to preventing and interfering with the freedom of the petitioner to freely move around and carry on with his campaign. The action of the respondents is politically motivated and therefore suffers from legal and factual malafides.

g. Viewed from every angle the impugned action of the respondents is wholly illegal, without jurisdiction, violative of the petitioner's fundamental rights and arbitrary.

#### **GROUND FOR INTERIM RELIEF**

Prima facie the impugned action is unconstitutional and illegal. The petitioner has come all the way from Madhya Pradesh to meet his voters. He is expected to return immediately to carry on his campaign and also discharge his other duties. The petitioner reasonably expects to succeed in the above petition. If during the pendency of the petition the petitioner is not allowed to meet his voters, the very purpose of filing this writ petition will be frustrated. The balance of convenience also weighs heavily in favour of the grant of interim relief as prayed. The petitioner will be put to irreparable hardship if the interim relief is not granted and

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no hardship will be caused to the respondents of the interim relief is granted.

**Prayer**

Wherefore the petitioner above named humbly submits that this Hon'ble Court be pleased to call for records and;

i. Issue appropriate writ or order our direction in the nature of mandamus declaring that the act of the respondents police-Respondent No.2 to 4 in restraining the petitioner in 18.03.2020 from meeting his voters (MLAs Of Madhya Pradesh) at the respondent resort and thereafter detaining him is illegal and ab initio void.

ii. Issue appropriate writ or order or direction in the nature of mandamus directing the respondents not to interfere or in any manner restrain the petitioner from meeting his voters(MLAs of Madhya Pradesh), presently lodged at the respondent resort or at any other place that they may be moved to.

iii. Issue appropriate writ or direction in the nature of mandamus restraining the respondent police-respondent No. 2 to 4 & 6 from interfering with free movement and the lawful campaign activities of the petitioner.

iv. Issue appropriate direction in the nature of mandamus directing the respondent police to facilitate the petitioner to meet his voters ( MLAs of Madhya Pradesh) forthwith.

v. Issue such other writ or order or direction that this Hon'ble Court May deem fit under the facts and circumstances of the case.

**Prayer for interim relief**

Pending disposal of the above writ petition this Hon'ble Court be pleased to direct the respondent police-Respondent No. 2 to 4, & 6 not to restrain or in any manner interfere with the right and freedom of the petitioner to

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move around and meet his voters (MLAs of Madhya Pradesh) presently  
lodged at the respondent resort or at any other place that may be lodged  
at.

Bengaluru  
Date: 18.03.2020

**Advocate for Petitioner**  
(LEELA P. DEVADIGA)

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