

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 831 of 2024

Petitioner :- S. Vignesh Shishir

Respondent :- Sri Rahul Gandhi And 13 Others

Counsel for Petitioner :- In Person

Counsel for Respondent :- A.S.G.I., Anurag Kumar Singh, Kuldeep Srivastava, Kushagra Dikshit, Vijay Vikram Singh

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Rajeev Singh, J.

(1) Heard the petitioner, who appeared in person and Sri S. B. Pandey, learned Deputy Solicitor General of India/Senior Advocate assisted by Sri Anand Dwivedi, learned counsel for Union of India, i.e., opposite party Nos. 3 to 6.

(2) The main prayer made in the writ petition is for issuance of a writ of *quo warranto* against the respondent No.1 questioning his authority of holding the Office of Member of Parliament from Rae Bareilly Constituency. This relief is based on the conviction of respondent No.1 in a criminal case by a competent court of criminal jurisdiction at Surat, Gujarat.

(3) The petitioner himself has conceded that the matter regarding conviction and sentence of respondent No.1 is already *sub judice* before the Apex Court where the same has been stayed.

(4) Once the conviction and sentence of respondent No.1 has been stayed by the Apex Court, the very prayer of Writ of *quo warranto* on the alleged premise loses its base and this Court would not embark on such a relief while the very ground of alleged disqualification is *sub judice* with the grant of protection by a higher Court.

(5) The petitioner at this stage chose to forego the main prayer, therefore, the relief urged on the ground of conviction does not call for consideration and the same is **rejected as not pressed**.

(6) In respect of the issue of citizenship of respondent No.1, we have not been taken through any tangible material which on its face value would disqualify the respondent No.1 from his membership in the Parliament. The petitioner has not substantiated his pleas on the strength of any decision taken by the Central Government, according to which, the participation of respondent No.1 in the parliamentary proceedings stands obstructed. We also take note of the fact that recourse to the representation before the Central Government has also not fructified for the grant of residual relief prayed for in the writ petition.

(7) Learned Deputy Solicitor General of India has rather stated that the Central Government has not instructed him to spell out any time limit within which the citizenship issue may be brought to its logical conclusion.

(8) We, however, clarify that the representation in the nature of statutory, made if any, may be looked into by the competent authority, in accordance with law.

(9) With what has been recorded above, the writ petition is ***disposed of***.

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[Rajeev Singh, J.] [Attai Rahman Masoodi, J.]

Order Date :- 5.5.2025
lakshman/Arpan