

ITEM NO.4

COURT NO.1

SECTION PIL-W

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 (CIVIL) Diary No(s). 3169/2024

DEVADIPTA DAS & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION and IA No.53732/2024-CONDONATION OF DELAY IN  
REFILING/CURING THE DEFECTS)

Date : 11-03-2024 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Ankur Mishra, Adv.  
Mr. Devadipta Das, Adv.  
Mr. Chaitanya Poonia, Adv.  
Mr. Utsav Saxena, Adv.  
Mr. Ankit Tiwari, Adv.  
Mr. Md . Sontu Mia, Adv.  
Ms. Monica Haseja, Adv.  
Mr. Pawan Kumar Dhiman, Adv.  
Ms. Varsha Joshi, Adv.  
M/S. Mukesh Kumar Singh And Co., AOR

For Respondent(s)

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

- 1 Delay condoned.
- 2 The petitioner who is a practising advocate seeks a declaration, while invoking the jurisdiction under Article 32 of the Constitution, that the right to vote is a fundamental right which flows from Articles 14, 19 and 21 of the Constitution of

India.

3 He seeks a reference of the decision in ***Kuldip Nayar & Ors vs Union of India & Ors***<sup>1</sup> to a Bench of seven Judges. Interesting though the argument of the petitioner is, it is well settled that in constitutional cases, the Court does not exercise its jurisdiction in the absence of a live issue. Reading the averments in the petition, we do not find the existence of any live issue in relation to the petition which would warrant the exercise of the jurisdiction under Article 32 of the Constitution.

3 We, therefore, are not entertaining the Petition under Article 32 only on that ground without expressing any opinion on the merits of the question sought to be canvassed.

4 The Writ Petition is accordingly dismissed.

5 Pending applications, if any, stand disposed of.

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**

1 (2006) 7 SCC 1