

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4510-4514 OF 2011
(Arising out of SLP(C)Nos.5966-5970 of 2011)

D. Sudhakar & Ors.

... Appellants

Vs.

D.N. Jeevaraju & Ors.

... Respondents

WITH

C.A.Nos.4517-4521 of 2011
(@ SLP(C)Nos.5995-5999 of 2011)

J U D G M E N T

ALTAMAS KABIR, J.

1. Leave granted.

2. We are unable to accept the submission made on behalf of the respondents that by extending support to Shri Yeddyurappa in the formation of the Bharatiya Janata Party led Government the appellants had sacrificed their independent identity. The fact that the said appellants also joined the Council of Ministers does not also point to such an eventuality. It is no doubt true that an independent legislator does not always have to express his intention to join a party in writing, but the mere extension of support to Shri Yeddyurappa and the decision to join his Cabinet, in our view, was not sufficient to indicate that the appellants had decided to join and/or had actually joined the Bharatiya Janata Party, particularly on account of the subsequent conduct in which they were treated differently from the Members of the Bharatiya Janata Party.

3. We are, therefore, unable to sustain the decision of the Speaker as affirmed by the High Court and we, accordingly, allow the appeals and set aside the orders passed by the Speaker on 11.10.2010 and by the Full Bench of the High Court on 14.2.2011.

4. There will, however, be no order as to costs.

5. Detailed judgment will follow.

.....J.
(ALTAMAS KABIR)

.....J.
(CYRIAC JOSEPH)

New Delhi,
Dated: 13.05.2011.