

Agri S.S.Krishnamurthy vs The Speaker on 13 October, 2026

2026:MHC:4196

W.P.No.23081 of 2026 etc

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 01.09.2026
DELIVERED ON : 13.10.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.Nos. 23081, 23085, 26422, 26155 and 22397 of 2026
and WMP Nos.24998, 28893, 25005, 24999, 25007, 25010, 24997
and 28557 of 2026

W.P.No.23081 of 2026:

Agri S.S.Krishnamurthy
S/o.S.Sundaresan,
Official Whip, All India Anna Dravida
Munnetra Kazhagam, (AIADMK) MGR Maaligai,
No.226, Avvai Shanmugham Salai,
Royapettah, Chennai - 600 014.

Petitioner(s)

Vs

1. The Speaker
Tamil Nadu Legislative Assembly,
Secretariat, Ground Floor, Fort St. George,
Chennai-600 009.
2. The Secretary
Tamil Nadu Legislative Assembly,
Secretariat, Ground Floor,
Fort St. George, Chennai-600 009.

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3. The Election Commission of India
Nirvachan Sadan, Ashoka Road,
New Delhi-110 001.
4. The Chief Electoral Officer
Principal Secretary to the Government,
Public Elections.III Department,
Secretariat, Chennai-600 009.
5. S. Jayakumar
103. Perundurai Legislative Assembly
Constituency, 2/14, Shanmughapuram,
Ponmudi PO, Perundurai,
Erode District - 638 056.
6. Maragatham Kumaravel
35. Maduranthagam Legislative Assembly
Constituency, 1/241, Eswaran Koil Street,
Senganmal, Thaiyur, Kelampakkam Post,
Thiruporur Taluk,
Chengalpattu District - 603 103.
7. P. Sathyabama
101. Dharapuram Legislative Assembly
Constituency, 31/6, Anna Nagar,
Dharapuram Taluk - 638 656.

Respondent(s)

W.P.No.23085 of 2026:

Agri S.S.Krishnamurthy
S/o.S.Sundaresan,
Official Whip, All India Anna Dravida
Munnetra Kazhagam, (AIADMK) MGR Maaligai,
No.226,Avvai Shanmugham Salai,
Royapettah, Chennai- 600 014.

Petitioner(s)

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Vs

1. The Speaker
Tamil Nadu Legislative Assembly,
Secretariat, Ground Floor,
Fort St. George, Chennai-600 009.
- 2.The Secretary
Tamil Nadu Legislative Assembly,
Secretariat, Ground Floor,
Fort St. George, Chennai-600 009.
- 3.The Election Commission of India
Nirvachan Sadan, Ashoka Road,
New Delhi-110 001.
- 4.The Chief Electoral Officer
Principal Secretary to the Government,
Public Elections.III Department, Secretariat,
Chennai-600 009.
- 5.Dr.Esakki Subaya
225.Ambasamudram Legislative Assembly
Constituency, 31/70, Utchimahakali Koil Street,
Pirancheri, Gopalamudram, Cheranahadevi,
Tirunelveli-627 451.

Respondent(s)

W.P.No.26422 of 2026

Agri S.S.Krishnamurthy
S/o.S.Sundaresan,
Official Whip, All India Anna Dravida
Munnetra Kazhagam, (AIADMK) MGR Maaligai,
No.226,Avvai Shanmugham Salai,
Royapettah, Chennai - 600 014.

Petitioner(s)

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Vs

1. The Speaker
Tamil Nadu Legislative Assembly,
Secretariat, Ground Floor,
Fort St. George, Chennai - 600 009.
- 2.The Secretary,
Tamil Nadu Legislative Assembly,
Secretariat, Fort St. George,
Chennai - 600 009.
- 3.The Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi - 110 001.
- 4.The Chief Electoral Officer,
Principal Secretary to the Government,
Public Elections III Department,
Secretariat, Chennai - 600 009.
- 5.M.R.Vijaya Bhaskar,

135 – Karur Legislative Assembly
Constituency, 3/325, N.S.K. Nagar,
L.N.S. Post, Vadivel Nagar, Karur – 639002.

Respondent(s)

W.P.No.26155 of 2026

Agri S.S.Krishnamurthy
S/o.S.Sundaresan,
Official Whip, All India Anna Dravida
Munnetra Kazhagam, (AIADMK) MGR Maaligai,
No.226,Avvai Shanmugham Salai,
Royapettah, Chennai – 600 014.

Petitioner(s)

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1. The Speaker
Tamil Nadu Legislative Assembly,
Secretariat, Ground Floor,
Fort St. George, Chennai – 600 009.
- 2.The Secretary
Tamil Nadu Legislative Assembly,
Secretariat, Fort St. George,
Chennai – 600 009.
- 3.The Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi – 110 001.
- 4.The Chief Electoral Officer,
Principal Secretary to the Government,
Public Elections III Department,
Secretariat, Chennai – 600 009.
- 5.Dr.C.Vijaya Bhaskar
179 – Viralimalai Legislative Assembly
Constituency, No.14/28, Sowrashtira Street,
Illuppur, Pudukkottai District – 622102.

Respondent(s)

W.P.No.22397 of 2026:

Desiya Makkal Sakthi Katchi
Rep. by its President
M.L.Ravi, S/o.Lakshmiipathi,
No.21, Venkatraman Street, Mint,
Chennai-600 001.

Petitioner(s)

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1. The Honble Speaker
Tamil Nadu Legislative Assembly,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Secretary
Tamil Nadu Legislative Assembly,
Secretariat, Fort St. George,
Chennai-600 009.
- 3.Maragatham Kumaravel

Maduranthagam Legislative Assembly
Constituency, Maduranthagam,
Chengalpattu District.

4.S.Jayakumar
Perundurai Legislative Assembly
Constituency, Perundurai, Erode District.

5.P.Sathyabama
Dharapuram Legislative Assembly
Constituency, Dharapuram,
Tiruppur District.

Respondent(s)

PRAYER in W.P.No.23081 of 2026: Petition filed under [Article 226](#) of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the Respondent No.1, relating to the acceptance of resignation by the Respondent No.1, evidenced by the Tamilnadu Government Gazette bearing reference in Nos.259, 260 and 261 dated 25.05.2026, Part II, Section I, Notifications by the Legislative assembly Secretariat and the Consequential communication issued by the Respondent no.4 dated 09.06.2026, in reference email / Letter No.16300/2026-3 declaring vacancy to the assembly constituencies viz., 103. Perundurai, 35. Madurantakam (SC) and

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101. Dharapuram (SC) in State of Tamilnadu and quash the same as illegal, arbitrary and violative of the Tenth Schedule to the Constitution of India, and Consequently direct the Respondent No.1 to adjudicate and dispose of the disqualification petitions filed against the said Members under the Tenth Schedule within a time frame to be fixed by this court.

PRAYER in W.P.No.23085 of 2026: Petition filed under [Article 226](#) of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the Respondent No.1, relating to the acceptance of resignation by the Respondent No.1, evidenced by the Tamilnadu Government Gazette bearing reference in Nos.262, dated 26.05.2026, Part II, Section I, Notifications by the Legislative assembly Secretariat and the Consequential communication issued by the Respondent No.4, dated 09.06.2026, in reference email/Letter No.16300/2026-3 declaring vacancy to the 225-Ambasamudram Assembly Constituency in State of Tamilnadu and quash the same as illegal, arbitrary and violative of the Tenth Schedule to the Constitution of India, and consequently direct respondent No.1 to adjudicate and dispose of the disqualification petitions filed against the said Members under the Tenth Schedule within a time frame to be fixed by this court.

PRAYER in W.P.No.26422 of 2026: Petition filed under [Article 226](#) of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the 1st Respondent relating to the acceptance of resignation tendered by the 5th Respondent, M.R.Vijaya Bhaskar, MLA 135 -Karur Legislative Constituency published in Extraordinary Gazette

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Notification No.297, II(1)/LAS/7(w)/2026 in Part II – Section 1 of the Tamil Nadu Government on 29th June 2026, and quash the same as illegal, arbitrary, colourable exercise of power and violative of [Article 190\(3\)\(b\)](#), and provisions of Tamil Nadu Legislative Assembly Rules and/or pass.

PRAYER in W.P.No.26155 of 2026: Petition filed under [Article 226](#) of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the 1st Respondent relating to the acceptance of resignation tendered by the 5th Respondent, Dr.C.Vijaya Bhaskar, MLA 179-Viralimalai Legislative Constituency published in Extraordinary Gazette Notification No.II(1)/LAS/7(u)/2026 in Part II-Section 1 of the Tamil Nadu Government on 16.6.2026, and quash the same as illegal, arbitrary, colourable exercise of power and violative of [Article 190\(3\)\(b\)](#) and/or pass such orders as this court deems fit.

PRAYER in W.P.No.22397 of 2026: Petition filed under [Article 226](#) of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to (i) Tamil Nadu Government Gazette Extraordinary No.259, Part II, Section 1, No.II(1)/LAS/7(n)/2026, dated 25.05.2026 (ii) Tamil Nadu Government Gazette Extraordinary No.260, Part II, Section 1, No.II(1)/LAS/7(o)/2026, dated 25.05.2026 and (iii) Tamil Nadu Government Gazette Extraordinary No.261, Part II, Section 1 No.II(1)/LAS/7(p)/2026, dated 25.05.2026, whereby the resignations of respondents 3 to 5 from the Tamil Nadu Legislative Assembly were accepted and notified, quash the same as being illegal, arbitrary, unconstitutional and contrary to the object and purpose of the Tenth

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Schedule to the Constitution of India against respondents 3 to 5 and consequently direct the 1st respondent to adjudicate and dispose of the pending disqualification petitions in accordance with law and the principles laid down by the Supreme Court.

For Petitioner in WP.23081/2026:	Mr.V.Giri, Senior Counsel for M/s.Lamech Indian, Harshad Sunder and S.Inbadurai
For Petitioner in WPs.23085, 26155 and 26422/2026	Mr.S.R.Rajagopal Senior Counsel for Mr.Aditya Sarangarajan and Mr.Inbanathan
For Petitioner in WP.22397/2026:	Mr. T.Sivagnanasambandan
For Respondent No.1 in WP.23081/2026	Mr. C.S.Vaidyanathan Senior Advocate (Thru VC) for M/s. Arya Raj and Vrinda Bhandari
For Respondent No.1 in WPs.22397, 23085, 26155 and 26422/2026	Mr. Vijay Narayan Advocate General for M/s. Arya Raj and Vrinda Bhandari
For Respondent No.2 in all cases:	Mr. Vijay Narayan Advocate General Assisted by Mr. J.Lenin, Special Government Pleader and Mr. Akash Srinanda Government Advocate

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For Respondents 3 to 5 in WP. 22397 of 2026 and for Respondents 5 to 7 in WP. 23081 of 2026:	Dr.Menaka Gurusamy Senior Advocate for M/s.K.P.Anantha Krishnan, Dixita Gohil, Pranjal Agarwal and Yash S.Vijay
For Respondents 3 and 4 in WPs.23081, 23085, 26155 and 26422 of 2026:	Mr.Niranjana Rajagopalan
For Respondent No.5 in WP.23085 of 2026:	Mr.Sathish Parasaran Senior Counsel for Mr.P.J.Rishikesh
For Respondent No.5 in WPs.26155 and 26422 of 2026:	Mr.K.Suresh

COMMON ORDER

THE CHIEF JUSTICE The present batch of cases poses an unforeseeable dilemma before this court. The ongoing conflict between constitutional morality and political morality. The desirability of a particular rule or law with the state of affairs of this Court vis-à-vis the actual existence of such rule or law, with the diametrically opposite state of affairs. The Court after deep introspection and scrutiny of a large number of precedents quoted by both sides, has chosen to adopt the constitutional morality in the present matter overruling the _____ Page 10 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc considerations and compulsions of political morality. Being conscious that, for upholding the Constitution we always need men and women who make a good Constitution of ours a better version, we, in the present judgment, have chosen to trust the high institutions, which the Constitution has invested the powers of deciding complex political questions. We have consciously, after lot of deliberations and profound thinking, opted to leave the issue of disqualification of various respondents/Members of Legislative Assembly of the Tamil Nadu State legislature (for short, 'MLAs') to the Speaker trusting that he will discharge his role as a sentinel of the constitutional morality so designated under the X Schedule of the Indian Constitution by our Parliament.

2. The dispute at hand emanates out of the batch of petitions filed by the official whip/authorised signatory of the All India Anna Dravida Munnetra Kazhagam (for short, 'AIADMK'), seeking host of reliefs against the Speaker, Tamil Nadu Legislative Assembly (for short, 'the Speaker'), challenging his action of accepting the resignations in a hush-hush manner, when admittedly the disqualification proceedings instituted under the provisions of the X _____ Page 11 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc Schedule of the Constitution of India (for short, 'COI') were pending before him in relation to the various private respondents. It is also prayed that the resigning MLAs, who resigned from their legislative membership as the MLAs of AIADMK and thereafter took the membership of the Tamilaga Vettri Kazhagam (for short, 'TVK') party, are liable to disqualification and the consequences of being debarred from participating or contesting the elections afresh. A separate relief is also sought against the Speaker for expediting and deciding the disqualification proceedings within a fixed timeline.

3. For ready reference, the chart below demonstrates the subject matter of four writ petitions, viz., W.P.Nos.23081, 23085, 26422 and 26155 of 2026, along with the variety of reliefs sought thereunder at the behest of the common petitioner therein, as the Official Whip of AIADMK. The description would make the facts easily comprehensible as follows:

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1. W.P.No.23081 of 2026 This Hon'ble Court may be pleased to All the 3 MLAs viz.

(In relation to acceptance of issue a Writ of Certiorarified Mandamus R-5 to R-7 handed resignation of 3 MLAs) calling for the records of the over their Respondent no.1, relating to the resignation letter to

1. Thiru S. Jayakumar acceptance of resignation by the the Speaker on (R-5) Respondent No.1, evidenced by the 25.05.2026

2. Tmt. Maragatham Tamilnadu Government Gazette bearing (@2:30 PM).

Kumaravel (R-6) reference in nos:259,260-and-261-

3. Tmt. P. Sathyabama dated 25.05.2026, Part II, Section 1, Acceptance of (R-7) Notifications by the Legislative resignation was Assembly Secretariat and the notified by the consequential communication issued by Speaker to the the Respondent no.4 dated press on 09.06.2026, in reference email/Letter 25.05.2026 No.16300/2026-3 declaring vacancy to (@3:55 PM). the assembly constituencies viz., 103.

Perundurai, 35. Madurantakam (SC) On 25.05.2026 (@ and 101.Dharapuram (SC) in State of 9:00 PM), Tamilnadu and quash the same as notification issued illegal, arbitrary and violative of the in TN Government Tenth Schedule to the Constitution of Gazette bearing India, and consequently. direct the nos. 259 to 261, Respondent No. 1 to adjudicate and declaring the seats dispose of the disqualification petitions of the respective filed against the said Members under constituencies of the Tenth Schedule within a time frame R-5 to R-7 as to be fixed by this Hon'ble Court. vacant.

R-5 to R-7 joined
TVK
25.05.2026.

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S. No.	Case Details	Relief Sought	Details of Resignation & Joining
2.	WP No. 23085 of 2026 (In relation to acceptance of resignation of one MLA) - Dr. Esakki Subaya (R-5)	It is therefore in the interest of justice necessary and prayed that, this Hon'ble Court may be pleased to issue a Writ of Certiorarified Mandamus calling for the records of the Respondent no.1, relating to the acceptance of resignation by the Respondent no.1, evidenced by the Government Gazette reference in No. 26.05.2026, Part II, Section 1, Notifications by the Assembly Secretariat	R-5 handed over his handwritten resignation the Speaker on 26.05.2026 (@11:15 am). On the same date 26.05.2026 the Speaker accepted the resignation of the TN Government

No.1, On the same date 26.05.2026 the Speaker accepted the resignation of the TN Government
Tamilnadu bearing dated 262 Legislative and the

consequential communication Gazette bearing
issued by the Respondent no.4 no. 262 w
dated 09.06.2026, in reference notified declaring
email/Letter No.16300/2026-3 the seat of R-5
declaring vacancy to the 225- as vacant.
Ambasamudram Assembly
Constituency in State of. On 26.05.2026
Tamilnadu and quash the same as R-5 joined TVK.
illegal, arbitrary and violative of
the Tenth Schedule to the
Constitution of India, and
consequently direct the
Respondent no. 1 to adjudicate
and dispose of the disqualification
petitions filed against the said
Members under the Tenth
Schedule within a time frame to
be fixed by this Hon'ble Court.

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S. No.	Case Details	Relief Sought	Details of Resignation & Joining
3.	WP No. 26155 of 2026 (In relation to acceptance of resignation of one MLA) - Dr. C. Vijay Bhaskar (R-5)	This Hon'ble Court may be pleased to issue a writ of CERTIORARI calling for the records of the 1st Respondent relating to the acceptance of resignation tendered by the 5th Respondent, Dr. C. Vijaya Bhaskar, MLA, 179-Viralimalai Legislative Constituency, published in Extraordinary Gazette Notification No. II(1)/LAS/7(u)/2026 in Part II-Section 1 of the Tamil Nadu Government on 16th June 2026, and quash the same as illegal, arbitrary, colourable exercise of power and violative of Article 190(3)(b) and provisions of Tamil Nadu Legislative Assembly Rules and/or pass such other orders as this Hon'ble Court deems fit and proper in the circumstances of the case and thus render justice.	R-5 tendered his resignation to the Speaker on 16.06.2026. The resignation was accepted by the speaker on the same date viz. 16.06.2026. Tamil Nadu Gazette no. 286 was published the seat of R-5 as vacant. R-5 joined TVK on 02.07.2026.

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S. No.	Case Details	Relief Sought	Details of Resignation & Joining
4.	WP No. 26422 of 2026 (In relation to acceptance of resignation of one MLA) - M.R. Bhaskar (R-5), Vijay	This Hon'ble Court may be pleased to issue a writ of CERTIORARI calling for the records of the 1 Respondent relating to the acceptance of resignation tendered by the 5th Respondent, M. R. Vijaya Bhaskar, MLA 135 -Karur Legislative Constituency published in Extraordinary Gazette Notification No. 297, II(1)/LAS/7(w)/2026 in Part II Section 1 of the Tamil Nadu Government on 29th June 2026, and quash the same as illegal, arbitrary, colourable exercise of power and violative of Article	R-5 submitted his resignation to the Speaker on 29.06.2026. The resignation was accepted by the Speaker on the same date viz. 29.06.2026. Tamil Nadu Government Gazette no. 297 was published on

Factual Matrix of the Case

4.1. The election for the 17th Legislative Assembly of the State of Tamil Nadu was convened on 23.04.2026. After the elections, the tally chart of the various political parties, whose contesting _____ Page 16 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc representatives won the elections as the MLAs from their respective constituencies, is as follows:

17th Tamil Nadu Legislative Assembly Seats Party Seats won Tamizhaga Vettri Kazhagam (TVK) 108 Dravida Munnetra Kazhagam (DMK) 59 All India Anna Dravida Munnetra Kazhagam (AIADMK) 47 Indian National Congress 5 Communist Party of India 2 Communist Party of India (Marxist) 2 Viduthala Chiruthaigan Kathi (VCK) 2 Indian Union Muslim League 2 Total 227 From the above, it is clear that no political party could have a clear majority in the House.

4.2. In the above backdrop, TVK, as the party having the maximum number of MLAs in the Legislative House, staked a claim before the Governor of Tamil Nadu to form the government. The facts necessary for the disposal of the present batch of matters are being borrowed from the lead writ petition, viz. W.P.No.23081 of 2026.

4.3. On 07.05.2026 and 09.05.2026, the Governor of Tamil Nadu invited the Chief Ministerial candidate of TVK, Mr.C.Joseph _____ Page 17 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc Vijay, to form the government being the largest single party in the House. In pursuance thereof, Mr.Joseph Vijay was appointed as the Chief Minister and was required to face the floor test of the House on or before 13.05.2026.

4.4. Thus, 13.05.2026 was the date when TVK was required to prove its majority above the halfway mark of the total seats of 234 (being 118). Because the polity of Tamil Nadu had returned a fractured mandate to the House of TN, negotiations among the various political parties commenced on the formation of political alliances.

4.5. It appears from the pleadings that on 11.05.2026 and 12.05.2026, a vertical split occurred in the petitioner's AIADMK party. Where, on one hand, Mr.Edappadi K. Palaniswami (for short, 'Palaniswami') was appointed as the leader of the Legislative Party AIADMK and S.S.Krishnamurthy, petitioner in four writ petitions, was appointed as the official whip by the party. One S.P.Velumani addressed a rival communication to the pro-term Speaker of TNLA proposing the appointment of some other individuals as the _____ Page 18 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc legislative party leader, official whip and other office bearers. This communication by Velumani was also issued on the official letterhead of the AIADMK. All the 6 MLAs who had resigned and joined the TVK political party were also part of this political faction of S.P.Velumani. The strength of this rival breakaway faction of the AIADMK, led by S.P.Velumani, was around 24 to 25 MLAs from amongst the total 47 MLAs elected to the House from the AIADMK party.

4.6. On 11.05.2026, an official whip, as a communication on behalf of the AIADMK political party was issued to all the 47 elected MLAs through the petitioner, which reads as follows:

"Respected Sir, Greetings, The Hon'ble Governor has ordered the cabinet led by the Tamizhaga Vettri Kazhagam founder/ leader Thiru. C. Joseph Vijay to prove its majority in the Legislative Assembly by 13.5.2026. It is understood that the motion seeking a vote of confidence on the cabinet will be taken up on 13.5.2026 during the current session of the Assembly.

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4.7. On 13.05.2026, 25 AIADMK MLAs, constituting the rebel faction led by Velumani, voted against the official whip of the party and supported the confidence motion in favour of nominating Mr.Joseph Vijay as the Chief Minister of the State of Tamil Nadu. The 6 MLAs herein, whose description has been provided above, were also present as part of this rebel faction, who had supported the confidence motion. This triggered the immediate institution of disqualification petition under the _____ Page 20 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc provisions of the X Schedule of the COI by the AIADMK seeking disqualification of the said 25 MLAs of AIADMK for going against the party whip and acting contrary to its directions, amounting therefore to voluntary surrender of the party membership.

4.8. On 13/14.05.2026, accordingly, AIADMK through its official leader Palaniswami filed a formal petition seeking disqualification of MLAs of AIADMK, who voluntarily gave up party membership. The relief clause of this petition filed under Paras 2(1)(a), (b) and (6) of the X Schedule reads as under:

"In view of the above facts and circumstances, the Petitioner respectfully prays that this Hon'ble Speaker may be pleased to:

a) Hold and declare that the Respondents herein have voluntarily given up their membership of the AIADMK under Paragraph 2(1)(a) of the Tenth Schedule to the Constitution of India;

b) Hold and declare that the Respondents herein are disqualified for being a member of the house under _____ Page 21 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc Paragraph 2(1)(b) of the Tenth Schedule to the Constitution of India;

c) Disqualify the Respondents from being Members of the 17th Tamil Nadu Legislative Assembly; and

d) Pass such further or other orders as this Hon'ble Speaker may deem fit in the Interest of constitutional propriety and democratic integrity." 4.9. Interestingly, on 27.05.2026 AIADMK, through its letter communication dated 27.05.2026 addressed to the Speaker, TNLA sought condonation of conduct of all the MLAs of the rebel faction, who had voted against the party whip on 13.05.2026. This letter captioned as "Condonation of conduct by the undersigned General Secretary, AIADMK, in respect of legislative members who voted against the direction of the party whip vide under the second proviso to Paragraph 2(1)(b) of the Tenth Schedule to the Constitution of India, 1950", mentioned the names of 14 MLAs including the name of Velumani who led the rebel

faction, mentioning that all the 14 MLAs have apologised for their conduct and, therefore, the party has decided unanimously to accept their

_____ Page 22 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc explanations offered and condone their conduct of having acted in defiance of the party whip on 13.05.2026. Accordingly, vide Paras 6 and 7, the AIADMK requested the Speaker to formally withdraw/drop the pending disqualification proceedings under the X Schedule against all the 14 MLAs mentioned in the letter. The condonation was stated to be confined to 14 members mentioned in the letter and not all who had defied the party whip. Paras 6 and 7 of the condonation letter tendered by AIADMK on 27.05.2026 read thus:

“6. In consequence, no disqualification has been incurred by the aforesaid Members under Paragraph 2(1)(b) of the Tenth Schedule. I respectfully pray that this letter be received and placed on record by this Hon'ble Tribunal as the information furnished in the manner contemplated by Form II under Rule 3(6) of the Members of the Tamil Nadu Legislative Assembly (Disqualification on Ground of Defection) Rules, 1986 and that this Hon'ble Tribunal be pleased to act on the condonation issued by the undersigned accordingly and drop the proceedings against the aforesaid members.

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7. It is clarified, for the avoidance of any doubt, that the condonation hereby reported is confined to the aforesaid Members and to the said voting;

who contravened the directions of the party whip issued on 11.05.2026, in respect of the Floor Test/ Confidence Motion, held on 13.05.2026, and in particular does not affect the proceedings initiated by the undersigned vide Paragraph 2(1)(a) of the Tenth Schedule bearing Disqualification Petition Dated 13.05.2026 seeking the disqualification of the other Respondent therein.” (emphasis supplied) 4.10. Names of defecting MLAs C.Vijay Bhaskar and M.R.Vijay Bhaskar appeared at Serial Nos.5 and 6 of the table of the 14 members mentioned vide Para 3 of the aforesaid letter on 27.05.2026, so elected against the constituencies Viralmalai and Karur respectively. They are R5 in W.P.No.26155 of 2026 and R5 in W.P.No.26422 of 2026. After withdrawal of their disqualification proceedings, there is no averment in the writ petition as to when and on which date subsequently disqualification proceedings came to be instituted again afresh against them before the Speaker, TNLA. Only reference which comes in the petition filed against the _____ Page 24 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc two MLAs, viz. C.Vijay Bhaskar and M.R.Vijay Bhaskar, is vide the pleadings made under the Paras 14 and 15 of the W.P.No.26155 of 2026, mentioning about representation given on 29.06.2026, after both the MLAs had resigned and thereafter joined the TVK political party. For ready reference, the prayers made in the said representation dated 29.06.2026 in relation to the two MLAs are quoted as follows:

“In view of the above, it is humbly prayed that the Election Commission of India may be pleased to :-

- a) initiate an enquiry into the conduct of the said Dr. C. Vijaya Bhaskar, MLA, 179-Viralmalai Legislative Constituency of Tamil Nadu Legislative Assembly;
- b) determine whether his resignation submitted on 16th June, 2026 with the Hon'ble Speaker, the first of you, involves corrupt practice and is induced in furtherance of pecuniary inducement and personal advantages;
- c) disqualify the individual under Section 8 and/or Section 8A and/or [Section 9](#) of the Representations of the People's Act, 1951;

_____ Page 25 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc

d) debar from contesting the ensuing bye-election, pending enquiry and a final adjudication and pass such appropriate orders to preserve the sanctity of the electoral process and prevent abuse of democratic mandate.” 4.11. Thus, admittedly, against both the defecting MLAs, viz. M.R.Vijay Bhaskar and C.Vijay Bhaskar, no fresh petition after their resignation seeking their disqualification under the provisions of X Schedule of the COI has been instituted by the petitioner in the four writ petitions before the Speaker, TNLA. There is no material, document or assertion coming forth or available on record which points out to any pending disqualification proceedings before the Speaker, TNLA qua the aforesaid two defecting MLAs, after their withdrawal in pursuance of the letter given by the AIADMK to the Speaker on 27.05.2026. Therefore, the discussion on the issue of disqualification is not being undertaken or addressed to in the present judgment, insofar as the two defecting MLAs viz. M.R.Vijay Bhaskar and C.Vijay Bhaskar are concerned. _____ Page 26 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc 4.12. Even the writ petitions preferred against both the defecting MLAs, C.Vijay Bhaskar and M.R.Vijay Bhaskar, viz. W.P.Nos.26155 and 26422 of 2026, also in their relief clause have simply challenged the aspect of acceptance of resignations by the Speaker, TNLA and not claimed any other relief unlike the petitions preferred in relation to other defecting MLAs, whose petitions for disqualification under the X Schedule are pending.

4.13. Proceeding on the facts further, certain interesting facts unravelled on the other front. Four MLAs viz., S.Jayakumar, Maragatham Kumaravel, P.Sathyabama (R5 to R7 in W.P.No.23081 of 2026) and Dr.Esakki Subaya (R5 in W.P.No.23085 of 2026) did not apologise for their defiance of the official whip, as was done by the 14 MLAs above, and maintained their stand of dissidence within the party.

4.14. On 14.05.2026, a complaint was preferred by AIADMK to the Governor of Tamil Nadu, alleging large-scale malpractices, horse-trading and unfair tactics being adopted for ensuring defection of MLAs from its party to TVK. This letter captioned with _____ Page 27 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc the subject as “Intimation regarding persons casting votes in exchange for pecuniary and personal advantage and failure of Hon. Speaker to follow Rule 99 (9) of TNLA Rules and request to not permit persons who casts votes deriving pecuniary and personal advantage to be sworn as Ministers and pendance of petition for disqualification under the Anti-Defection Law”, specifically highlighted how various MLAs of AIADMK have been given assurances and promises in the form of ministries as a quid pro quo for supporting the TVK in the floor test carried out on 13.05.2026. Names of all the 25 MLAs, including the 4 MLAs above mentioned, were also mentioned in this letter. The documents are annexed with the writ petition to highlight that this complaint of the AIADMK received extraordinary media attention and was widely reported and covered by both print as well as electronic media.

4.15. On 25.05.2026 (@ 2:30 PM), 3 out of 6 MLAs, who are various respondents in the present batch of petitions, approached the Speaker, appeared personally and tendered letters signed by them and written under their respective names and seals, resigning with immediate effect from the membership of the House. These _____ Page 28 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc resignation letters were accepted by the Speaker, TNLA, on the same day at 03:55 PM and the press was also officially informed about the said factum of the resignations. Thus, within 2 hours the resignations were tendered and came to be accepted by the Speaker, TNLA. On the same day in the evening hours at around 04:30 PM, the defecting MLAs met the Chief Minister, Mr.Joseph Vijay, and extended their support to him. Needless to reiterate that all the 6 MLAs had already defied the AIADMK party's official whip and voted in favour of the confidence motion supporting the nomination of Mr.Joseph Vijay as the Chief Minister of TN. By the late evening hours of 25.05.2026 itself, the notifications were issued in the Tamil Nadu official gazette formally notifying the acceptance of resignations and declaration of the constituency seats from where the defecting MLAs were elected as ‘vacant’.

4.16. Thereafter, admittedly all the 6 defecting MLAs took the membership of TVK formally. On 12.06.2026, the Speaker, TNLA, formally addressed to the press and announced that notices to the four defecting MLAs, respondents in the present batch of petitions, _____ Page 29 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc have been issued in respect of the disqualification petition preferred under the X Schedule against them by the AIADMK.

4.17. It is in this backdrop that the present batch of petitions, viz., W.P.Nos.23081, 23085, 26422 and 26155 of 2026, came to be filed challenging the decision of the Speaker accepting the resignations of the defecting MLAs, formally notifying their constituency seats as having been rendered ‘vacant’ under [Article 190\(3\)\(b\)](#) of the COI despite the disqualification proceedings pending against all the defecting MLAs on the date of tendering and acceptance of their resignations. As already specified above,

varying reliefs have been sought in the petitions filed against the defecting MLAs by the common petitioner, viz. setting aside of the acceptance of resignation by the Speaker and a formal decision on their disqualification prior thereto.

4.18. In addition to the writ petitions preferred by the official whip of the AIADMK, W.P.No.22397 of 2026 has been filed by Desiya Makkal Sakthi Katchi (represented by its President M.L.Ravi). The petitioner therein similarly challenges the Gazette Notifications _____ Page 30 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc Nos.259, 260, and 261, dated 25.05.2026, accepting the resignations of respondents 3 to 5 (Maragatham Kumaravel, S.Jayakumar, and P.Sathyabama), and seeks a consequential direction to the Speaker to adjudicate and dispose of the pending disqualification petitions filed against the said members under the X Schedule.

4.19. Inasmuch as the core legal challenge in W.P.No.22397 of 2026 turns upon the validity of the acceptance of resignations during the pendency of X Schedule disqualification proceedings concerning the very same respondents, the determination of issues herein shall apply mutatis mutandis to W.P.No.22397 of 2026 as well.

Contentions made on behalf of the Petitioners: 5.1. It has been vehemently contended by the learned Senior Counsels representing the petitioner in the batch of petitions as follows:

_____ Page 31 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc A. The Speaker under the provisions of the TNLA Rules, specifically Rules 21 to 24, is constitutionally obligated to carry out a detailed enquiry for ascertaining the reasons, genuineness and the background of the resignations offered by the MLAs. The immediate acceptance of the resignations by the Speaker, without carrying out such an enquiry is, therefore, vitiated and a fraud on the COI;

B. The Speaker was required to be aware and conscious of the surrounding circumstances which had pushed the defecting MLAs to tender their resignations, especially after defying the official whip issued by their political party, and ascertain reasons why resignations were offered by 3 out of 6 MLAs on the same day and date. Having failed to apply his mind and carry out a proper enquiry as envisaged under the TNLA Rules, the Speaker has abdicated his high constitutional role and, therefore, acceptance of the resignations is vitiated. The Speaker ought to have enquired into the whole matter profoundly for separating the grain from the chaff, especially when the AIADMK had complained already to the Governor on _____ Page 32 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc 14.05.2026; widely reported in the media about massive possibilities of horse-trading, unfair political practices being adopted and quid pro quo being offered by the TVK to the defecting MLAs in lieu of their support to the party and its Chief Ministerial candidate;

C. The acceptance of the resignations could not have taken place till the decision on the pending disqualification proceedings by the very same authority, viz. the Speaker, TNLA, had been arrived at. Therefore, the cart has been placed before the horse by accepting the resignations of the defecting MLAs, allowing them to vacate their seats and the disqualification proceedings have, therefore, been rendered academic and of no consequence in law;

D. The resignations offered by the defecting MLAs were not spontaneous acts, but were preceded by well-planned, prior political negotiations and realignment with the TVK party and, thus, immediate acceptance of the resignations by the Speaker within two hours is demonstrative of the absence of the statutory satisfaction which the Speaker was required to _____ Page 33 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc have constructed in his mind before formally accepting the resignations. Resignation after all is not an empty formality, but a substantive safeguard intended to prevent coercion, inducement and political manipulation. The immediate acceptance, therefore, points out invariably and inevitably towards lack of satisfaction on the part of the Speaker, which vitiates the whole resignation process and smacks of larger conspiracy to subvert the democratic trust of the public at large;

E. The Speaker by accepting the resignations in a hasty manner has allowed the defecting MLAs to easily circumvent the X Schedule of the COI, whereunder they would have been disqualified if they were required to continue as MLAs in the TNLA. Thus, the Speaker has been a party to the political conspiracy for defeating the constitutional mandate and legitimising political defection;

F. The Speaker was obliged to have first decided the disqualification proceedings and thereafter only ought to have taken a decision on the impending resignation requests made _____ Page 34 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc by the defecting MLAs. Thus, there was a patent failure on his part in exercising the jurisdiction constitutionally vested in him of finally determining the disqualification proceedings, which has also resulted in a breach of the Assembly Rules; G. The Speaker cannot be presumed to be oblivious of the massive pecuniary inducements offered as quid pro quo to the vote of confidence tendered by the defecting MLAs in favour of the TVK party, which took place on 13.05.2026. The undue influence, coercive tactics could have never been ruled out even with closed eyes and, therefore, the Speaker before accepting the resignations ought to have first decided the disqualification proceedings and the failure to do so amounts to a fraud on the COI;

H. After all, the TNLA Rules require the Speaker to conduct an enquiry and accept the resignation only when it is both 'voluntary' and 'genuine', which means absence of fear, favour, pressure, coercion or inducement on the defecting MLAs for tendering the resignations. In such a short span of 1.5 hrs., _____ Page 35 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc the said exercise was clearly impossible to have been undertaken by the Speaker.

5.2. The petitioners have, therefore, in all the petitions contended that the decision of the Speaker of accepting the resignations and notifying the same be set aside and be kept in abeyance till the disqualification proceedings are decided by him.

Contention on behalf of the Respondents: 6.1. The respondents have in unison opposed the writ petitions, including on the question of maintainability. Learned Senior Counsel representing the Speaker, TNLA, the Secretariat of the TNLA and the six defecting MLAs have all made varying submissions opposing the writ petitions and the reliefs prayed therein. Their submissions can be encapsulated under a common umbrella as follows:

A. The writ petitions are not maintainable before this Court, till the Speaker, TNLA, takes a formal and final decision on the pending disqualification proceedings before him against the defecting MLAs. The remedy of judicial _____ Page 36 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc review is not available till the Speaker takes a final view in the matter and judicial intervention at the interlocutory stage is completely an impermissible exercise;

B. The defecting MLAs had resigned out of dissent and differences with the main political party AIADMK and, therefore, if one is dissatisfied or having differences with the party functioning, he cannot be restricted or compelled to serve the party in the absence of any statutory provisions for the same;

C. The proceedings of disqualification under the X Schedule of the COI are entirely different from the process of resignation and its acceptance by the Speaker. They cannot be combined or amalgamated, when, admittedly one was at the behest of the AIADMK and the other at the behest of the defecting MLAs;

D. The mere acceptance of resignation by the Speaker will not render the disqualification proceedings as _____ Page 37 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc infructuous, which will continue regardless of the formal acceptance and its notification of the resignation. The disqualification proceedings shall relate back to the date when the cause of action in relation to them arose and the disqualification was attracted;

E. The Speaker under the provisions of [Article 190\(3\)\(b\)](#) read with the provisions of the TNLA Rules is required only to ascertain whether the resignation is 'genuine' and 'voluntary', nothing more or nothing less. There is no scope of any roving or detailed enquiry as contended by the petitioners for ascertaining the background, reasons or considerations for tendering the resignation by the MLAs concerned. What is to be seen is whether the resignation tendered by the MLAs concerned is a germane one and not a forged or fabricated one or offered by an impostor. Therefore, the Speaker, having undertaken the said exercise in the present case could not have been expected to do anything more as contended by the petitioners;

_____ Page 38 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc F. The immediate acceptance of resignation by the Speaker, TNLA, cannot be treated as 'immediate', as the Speaker had individually interacted with all the MLAs, ascertained their intentions of resignation, taken formal letters from them under their names, signatures and seals and thereafter only accepted the resignations. No time frame can be fixed for the Speaker to have acted in acceptance of the resignation. Rules 21 and 22 of the TNLA Rules require the Speaker only to ascertain whether the resignation is 'voluntary' and 'genuine', and not to start cross-examining the MLAs or subjecting them to circumstantial scrutiny or delay the acceptance of resignation on the said pretext. Political inclinations or ideological differences with the parent political party cannot be looked into by the Speaker at the time of acceptance of the resignation, the ascertainment of which political motive is clearly beyond the purview and jurisdiction of his powers;

_____ Page 39 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc G. The provisions of Rule 22 of the TNLA Rules, attracted in the instant case, leave no manner of doubt that the enquiry to be undertaken by the Speaker is extremely summary and not an enquiry for anyhow supporting a particular party in power. It is a matter absolutely within the Speaker's discretion and in the absence of any material or evidence casting specific and credible doubt upon the voluntary conduct of the MLAs in approaching, presenting, appearing and submitting their resignations before the Speaker, the same cannot be inferred merely on the basis of circumstantial prevalent situations;

H. The writ petitions are premised on incorrect and substantially unacceptable propositions of law, which have already been repelled by the Supreme Court in earlier judgments and do not require any fresh consideration.

6.2. The respondents, accordingly, prayed for dismissal of all the writ petitions.

_____ Page 40 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc Issues for Consideration:

7. On the overall conspectus of facts and contentions raised by the parties, the following issues emerge for consideration of this Court:

A. Whether the Speaker, TNLA was obligated to conduct a proper detailed inquiry before accepting the resignations of the defecting MLAs and whether the immediate acceptance of the resignations smacks of arbitrariness, bias and resultantly a constitutional fraud on his part?

B. The resignations being not 'voluntary' and 'genuine' as conceived under [Article 190\(3\)\(b\)](#) of the COI read with the TNLA Rules, whether the Speaker was constitutionally mandated to keep the resignation applications in abeyance till the formal and final outcome of the pending disqualification proceedings and whether the acceptance of resignation prior to the determination of the _____ Page 41 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc disqualification proceedings amounts to placing the 'cart before the horse' and, thus, constitutes a breach of the constitutional expectations placed upon his shoulders?

C. Whether the pending disqualification proceedings have been rendered academic and infructuous upon the formal acceptance of the resignation by the Speaker of the defecting MLAs?

D. Whether this Court can issue a writ of mandamus directing the Speaker to expedite and decide the pending disqualification proceedings against the respondent defecting MLAs within a fixed timeline, as prayed for in the present batch of petitions before us?

Consideration and Analysis of Contentions of the Parties

8. It is a contention made across the board commonly by all the respondents in the batch of writ petitions in unison that the _____ Page 42 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc resignations were given by the 6 MLAs (4 against whom the disqualification proceedings are pending; and 2 against whom it was withdrawn, but not instituted again). The Speaker, TNLA, as well as all the defecting MLAs, have in their counter affidavits stated that they had developed differences with the way and manner in which their original political party AIADMK was functioning and, therefore, out of dissidence they approached the Speaker and offered their resignations in writing under their sign, name and seal to the Speaker, TNLA. They have presented themselves personally by appearing before the Speaker in this regard on various dates viz. 25.05.2026, 26.05.2026, 16.06.2026 and 29.06.2026. On these dates when they appeared separately and individually, the Speaker accepted their resignation letters and formally announced their resignation from the AIADMK.

9. The hue and cry is majorly about the first acceptance of resignation within a short span of 2 hrs on 25.05.2026 of 3 MLAs, who are respondents in the principal writ petition of W.P.No.23081 of 2026. The other MLAs resigned in the days to follow one by one, whose resignations were also tendered and accepted in the similar _____ Page 43 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc fashion. The principal contention of the petitioner is all these resignations were marred by extraneous considerations, unfair and unpopular practices driven by pecuniary and monetary benefits extended to the said MLAs, for which they switched parties from AIADMK to TVK. In short, it is urged that the Court must constitutionally lift the veil and sense the motive behind these resignations being tendered suddenly overnight. It is further urged that the Speaker ought to have carried out an in-depth inquiry in terms of Rules 21 to 24 of the TNLA Rules and after conducting an enquiry should have ascertained the motive behind such resignations before accepting the same. Clearly, therefore the resignations cannot be treated as 'voluntary' and 'genuine' and, therefore, cannot be given a stamp of constitutional imprimatur. In Re Issue No. 1 : Whether the Speaker, TNLA was obligated to conduct a proper detailed inquiry before accepting the resignations of the defecting MLAs and whether the immediate acceptance of the resignations smacks of arbitrariness, bias and resultantly a constitutional fraud?

10.1. The heart of the whole controversy lies at the interpretation of the words 'voluntary' and 'genuine' and the extent to which _____ Page 44 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc enquiry can be convened by the Speaker whenever resignations are tendered to him. Before undertaking any discussion on the interpretation of 'voluntary' and 'genuine', it would be germane to refer to the constitutional position pre and post 33rd Amendment to the COI, which amended the provisions of [Article 190](#) of the COI. Prior to the 33rd Amendment, which was introduced on 19.05.1974, [Article 190](#) reads as follows:

"190. Vacation of seats—(1) No person shall be a member of both Houses of the Legislature of a State and provision shall be made by the Legislature of the State by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

(2) No person shall be a member of the Legislatures of two or more States specified in the First Schedule and if a person is chosen a member of the Legislatures of two or more such States, then, at the expiration of such period as may be specified in rules made by the President, that person's seat in the Legislatures of all such States shall become vacant, unless he has previously resigned his seat in the Legislatures of all but one of the States.

_____ Page 45 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc (3) If a member of a House of the Legislature of a State —

(a) becomes subject to any of the disqualifications mentioned in clause (1) or clause (2) of [Article 191](#); or

(b) resigns his seat by writing under his hand addressed to the Speaker or the Chairman, as the case may be.” [emphasis supplied] Post the 33rd Constitutional Amendment [Article 190](#) reads as follows:

“190. Vacation of seats — (1) No person shall be a member of both Houses of the Legislature of a State and provision shall be made by the Legislature of the State by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

(2) No person shall be a member of the Legislatures of two or more States specified in the First Schedule and if a person is chosen a member of the Legislatures of two or more such States, then, at the _____ Page 46 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc expiration of such period as may be specified in rules made by the President, that person's seat in the Legislatures of all such States shall become vacant, unless he has previously resigned his seat in the Legislatures of all but one of the States.

(3) If a member of a House of the Legislature of a State—

(a) becomes subject to any of the disqualifications mentioned in clause (1) or clause (2) of [Article 191](#);

or

(b) resigns his seat by writing under his hand addressed to the Speaker or the Chairman, as the case may be, and his resignation is accepted by the Speaker or the Chairman, as the case may be, his seat shall thereupon become vacant:

Provided that in the case of any resignation referred to in sub-clause (b), if from information received or otherwise and after making such inquiry as he thinks fit, the Speaker or the Chairman, as the case may be, is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation.

_____ Page 47 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc (4) If for a period of sixty days a member of a House of the Legislature of a State is without permission of the House absent from all meetings thereof, the House may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.” [emphasis supplied] 10.2. Thus, on a perusal of the pre-amendment and the post-

amendment provisions, it is clear as noon day that there was no statutory or constitutional provision which required the resignation to be accepted by the Speaker concerned for it to become effective. Earlier any MLA could resign from the office by a unilateral act of tendering the resignation to the Secretariat of the Legislative Assembly and neither any enquiry nor any formal acceptance followed by notification was required regarding such resignation. However, the 33rd Constitutional Amendment was felt necessary because disputes had started emanating about the genuineness or voluntary nature of the resignation forms/applications so submitted

_____ Page 48 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc by the MLA's in this regard. The avowed purpose behind 33rd Constitutional Amendment is also to ensure that forgery and bogus applications styled as resignation are not made in the name of political individual or entity. For this reason, therefore to avoid allegations of forgery, fabrication, manipulation or impersonation in the exercise of tendering of resignations by or on behalf of the MLAs, the Speaker as an intermediary agency was introduced for the formal acceptance of the resignation.

10.3. The 33rd Amendment does not change the position by diluting or dispensing with the absolute discretion or volition of any MLA to continue or discontinue his term in the legislative assembly, but only ushers in a regime where resignation cannot be made unilaterally or would be accepted as it is tendered, but would be accepted only after the due enquiry carried out by the Speaker. It is the sole prerogative of the MLA concerned to resign from his post or membership of the Legislative Assembly. The reasons may be good or bad, but it is eventually for the MLA concerned to resign if he does not wish to continue. Resignation is relatable to exercise of free will and expression by the MLA of discontinuing his membership _____ Page 49 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc from the House. Neither the word ‘genuine’, nor the word ‘voluntary’ have been defined anywhere for carrying out any roving enquiry to ascertain the actual motive behind the resignation, when the MLAs are voluntarily appearing and surrendering their membership of the Legislative Assembly. The statement of objects and reasons of the 33rd Constitutional Amendment can be readily extracted below for a clearer understanding behind the amendment of [Article 190\(3\)\(b\)](#) of the COI. These objects and reasons read as follows:

“1. [Articles 101\(3\)\(b\)](#) and [190\(3\)\(b\)](#) of the Constitution permit a Member of either House of Parliament or a Member of a House of the Legislature of a State to resign his seat by writing under his hand addressed to the Speaker or the Chairman, as the case may be. In the recent past, there have been instances where coercive measures have been resorted to for compelling members of a Legislative Assembly to resign their membership, if this is not checked, it might become difficult for Legislatures to function in accordance with the provisions of the Constitution. It is therefore, proposed to amend the above two articles to impose a requirement _____ Page 50 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc as to acceptance of the resignation by the Speaker or the Chairman and to provide that the resignation shall not be accepted by the Speaker or the Chairman if he is satisfied after making such inquiry as he thinks fit that the resignation is not voluntary or genuine.” (emphasis supplied) 10.4. Reference to the Parliamentary debates during the relevant period regarding the conduct of sitting MLAs makes special mention of the celebrated introductory address by the then Law Minister, Mr.H.R.Gokhale, on the 33rd Constitutional Amendment.

Therefore, what is to be seen by the Speaker is not the motive or the hidden reasons behind the resignations which are alleged to make it involuntary or a faux pas. What is to be seen is whether such resignation has been tendered by the MLA himself or it is propped up and projected through another person impersonating as the concerned MLA; it is voluntary because it is being offered voluntarily without any pre-conditions attached to it. If these facial ingredients of the expressions ‘genuine’ and ‘voluntary’ are duly met, as aforesaid, then there is no question or authority for the _____ Page 51 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc Speaker to interfere and require the concerned defecting MLAs to disclose their motive, intention and reasons behind thereto.

10.5. Under the sky, there is no room for speculations or presumptions for expecting the Court or the Speaker to inquire into the reasons behind the resignation or conduct any roving enquiry in relation thereof. The enquiry is only for the limited purpose of ascertaining whether the resignation is genuinely prepared and being tendered by the person concerned himself or through his authorised representative and whether it is not under duress, compulsion or undue influence. Beyond this limited enquiry, the Speaker cannot be required to stand in the shoes of an enquiry officer and undertake a detailed fishing enquiry. This is the constitutional intent behind [Article 190\(3\)\(b\)](#) of the COI as well as Rule 22 of the TNLA Rules.

10.6. Rules 21 to 24 of the TNLA Rules also can be referred to, which read thus:

_____ Page 52 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc “21. Resignation of seats in the House (1) A member who desires to resign his seat in the House shall intimate in writing under his hand addressed to the Speaker his intention to resign his seat in the House in the form prescribed in Appendix “F”.

(2) The Secretary shall, as soon as may be, after the Speaker has accepted the resignation of a member, cause the information to be published in the Information Sheet and the Gazette and forward a copy of the Notification to the Election Commission for taking steps to fill the vacancy thus caused:

Provided that where the resignation is to take effect from a future date, the information shall be published in the Information Sheet and the Gazette not earlier than the date from which it is to take effect

22. Acceptance of resignation If a member hands over the letter of resignation to the Speaker personally and informs him that the resignation is voluntary and genuine and the Speaker has no information or knowledge to the contrary, the Speaker may accept the resignation.

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23. Intimation of resignation to the House The Speaker shall, as soon as may be, after he has accepted the resignation of a member, inform the House that the member has resigned his seat in the House and he has accepted the resignation. Explanation.— When the House is not in Session, the Speaker shall inform the House immediately after the House re-assembles.

24. Speaker to enquire about resignation If the Speaker receives a letter of resignation either by post or through someone else, the Speaker shall make such enquiry as he thinks fit to satisfy himself that the resignation is voluntary and genuine. If the Speaker, after making summary enquiry either himself or through the agency of the Assembly Secretariat or through such other agency as he may deem fit, is satisfied that the resignation is not voluntary or genuine, he shall not accept the resignation.

Explanation.— Such a summary enquiry may be either through a written communication addressed to the member resigning or by enquiring him in person.”

Page 54 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc 10.7. The view above taken by us has also been taken consistently by the Supreme Court in a long line of judgments, with the most notable being [Shrimanth Balasaheb Patil v. Karnataka Legislative Assembly](#)¹. Vide Paras 83 and 84, the Supreme Court, in the judgment of [Shrimanth Balasaheb Patil v. Karnataka Legislative Assembly](#) (Supra), observed thus:

“82. The learned Senior Counsel, Mr. Kapil Sibal, has contended that a Speaker, as a part of his inquiry, can also go into the motive of the Member and reject his resignation if it was done under political pressure. We are unable to accept this contention. The language of [Article 190\(3\)\(b\)](#) of the Constitution does not permit the Speaker to inquire into the motive of the resignation When a Member is resigning on political pressure, he is still voluntarily doing so. Once the Member tenders his resignation it would be “voluntary” and if the writing can be attributed to him, it would be “genuine”. Our view is also supported by the debates on the 33rd Constitutional Amendment. ... 1 (2020) 2 SCC 595 _____ Page 55 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc ... In this regard, there is no doubt that the petitioners have categorically stated and have reaffirmed before the Speaker and this Court, in unequivocal terms, that they have Voluntarily and genuinely resigned their membership of the House. This Court, in the earlier writ petition, being Writ Petition (C) No. 872 of 2019, had also directed the Speaker to look into the resignation of the members but the same was kept pending.

83. In view of our above discussion we hold that the Speaker can reject a resignation only if the inquiry demonstrates that it is not “voluntary” or “genuine”. The inquiry should be limited to ascertaining if the Member intends to relinquish his membership out of his free will.

Once it is demonstrated that a Member is willing to resign out of his free will, the Speaker has no option but to accept the resignation. It is constitutionally impermissible for the Speaker to take into account any other extraneous factors while considering the resignation. The satisfaction of the Speaker is subject to judicial review.

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84. We are of the opinion that the aforesaid observations clarify the scope of the Speaker's duty under [Article 190\(3\)\(b\)](#) of the Constitution, and answer the contention raised by the learned Senior Counsel regarding the same. However, since we are deciding the question of disqualification, it might not be necessary to make any observations on the merits of the petitioners' plea regarding the non-acceptance of their resignation letters, in view of our subsequent findings on disqualification.” (emphasis supplied) 10.8. From the above analysis, it is luculent that the resignation by various defecting MLAs was both ‘genuine’ and ‘voluntary’, within the four corners of [Article 190\(3\)\(b\)](#) of the COI and Rules 21 and 22 of the TNLA Rules. The Speaker cannot be expected to conduct a roving or fishing enquiry for ascertaining the motive behind the said resignations, once the MLAs had stated on affidavit before this Court that they had appeared personally, out of their own free will and without any duress, coercion and tendered their resignations signed and sealed under their name and letterhead to the Speaker. It would have been an entirely different case where the petitioner would have levelled allegations of forgery or fabrication in the tendering of _____ Page 57 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc resignation letters to the Speaker on behalf of the MLAs or questioned their existence on the ground of impersonation having been handed over by an imposter. None of these allegations are forthcoming from the pleadings except that there were some financial dealings and suspected instances of horse-trading behind them which would highlight the actual motive behind such collective resignations.

10.9. The shift from a unilateral mode of resignation to the formality of tendering it to the Speaker by virtue of the 33rd Amendment to the COI reflects intention of the Constitution makers to have the Speaker's Office as the nodal institution responsible for taking a decision over the resignation and for ascertaining that it is not involuntary, forged or through questionable means.

10.10. In such circumstances, the answer to Issue No.1, therefore, is in the affirmative that the resignations cannot be treated as having been unconstitutionally accepted by the Speaker, TNLA, and that the subsequent notification declaring the respective constituency seat as having deemed vacant was also validly issued as

Page 58 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc a natural consequence thereof. The contentions of the petitioners on this score are clearly rejected.

In Re Issue No.2: The competency of the Speaker in accepting the resignations during the pendency of the disqualification proceedings?

11.1. It is contended by the respondents commonly, though in different tenor and articulations, that the Speaker has not acted illegally or irregularly anywhere against the constitutional mandate by accepting the resignations and notifying them during the pendency of the disqualification proceedings. The petitioners to the contrary have contended otherwise that once the disqualification petition came into picture, coupled with the allegations of horse- trading and backdoor financial transactions between the defecting MLAs and the TVK party, the Speaker should have laid his hands off and first adjudicated the disqualification petitions preferred under X Schedule of COI.

11.2. The necessary facts have already been adumbrated above. The party whip was on the first occasion defied by 25 MLAs _____ Page 59 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc on 13.05.2026 in pursuance of which, immediately disqualification proceedings under the X Schedule were instituted by the AIADMK before the Speaker. However, they were withdrawn unconditionally against 14 MLAs, including 2 defecting MLAs, viz. C.Vijay Bhaskar and M.R.Vijay Bhaskar, as stated supra. Thereafter, there is no material as to when and how the disqualification proceedings are pending against the said 2 MLAs (respective fifth respondent in W.P.Nos.26155 and 26422 of 2026). Therefore, insofar as these 2 defecting MLAs are concerned, there is no question of answering the current issue in the said writ petitions, as admittedly on record there are no proceedings demonstrated to be pending against them under X Schedule. Therefore, the Speaker as answered in the previous issue committed no error in accepting their resignations. The answer to the present issue shall not concern, therefore, the said writ petitions qua the 2 MLAs viz. C.Vijay Bhaskar and M.R.Vijay Bhaskar.

11.3. In so far as the remaining 4 MLAs are concerned (respondents in WP Nos.23081 and 23085 of 2026), the disqualification proceedings remained pending before the Speaker _____ Page 60 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc since admittedly they did not come forward offering their apologies and seeking condonation of their conduct of defying the official whip on 13.05.2026. On 14.05.2026, a complaint was made to the Governor about illegal activities of horse-trading and political negotiations by the AIADMK insofar as the defecting MLAs are concerned. Even if we accept the contention of the petitioners that the whole state of affairs was within the Speaker's knowledge, including the factum of large-scale horse-trading, even then there is no constitutional inhibition which restrains him from accepting the resignations or keeping them in abeyance till the final outcome of the disqualification proceedings. Both are separate exercises, wherein insofar as the disqualification proceedings are concerned, the Speaker acts as a Tribunal under the provisions of the X Schedule. This is in line with the settled law laid down decades back by the Supreme Court in the matter of Kihoto Hollohan (supra).

11.4. Whereas, for accepting and processing the resignations, the Speaker was obliged to act under the provisions of [Article 190\(3\)\(b\)](#) of the COI read with the provisions of Rules 21 to 24 of TNLA Rules by simply testing whether the resignations were _____ Page 61 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc 'genuine' and 'voluntary' on the face of it. There is no limitation or restriction under [Article 190\(3\)\(b\)](#) of the COI, except the one stipulated under the Proviso referred to above, which may tie the hands of the Speaker in deciding upon the resignation request received from the MLAs. The disqualification proceedings are relatable and arise from the commission of the 'prohibited act' so prescribed under the provisions of Para 2(1) of the X Schedule. Since the Speaker is conceived as a Tribunal under the provisions of X Schedule, he is to take a decision as a quasi-judicial authority after hearing all the parties, considering their stand or evidence produced by them, followed by a reasoned and speaking order. If the Speaker is expected or obliged to act in haste overnight, then his duties under the X Schedule as a Tribunal would stand compromised. For this reason therefore, no correlation has been made under the Constitution between two separate functions to be discharged by the very same authority or the officer by the Speaker, viz. as a Tribunal and that as a resignation accepting authority under [Article 190\(3\)\(b\)](#) of the COI. The decision of disqualification, if any, whatever is the outcome of the proceedings instituted under X Schedule by the Speaker would apply from the date it is formally _____ Page 62 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc made and order passed by him and cannot apply in anticipation retrospectively in an ex-post facto manner.

11.5. If the contention of the petitioners is accepted that mere institution of disqualification proceedings would freeze the powers of the Speaker in accepting the resignation of the defecting MLAs, then the cart is being placed before the horse by drawing final conclusions much before the final decision having been made or order passed by the Speaker on the disqualification proceedings. Thus, there cannot be any nexus or correlation between the pending disqualification proceedings, howsoever serious the allegations may be against the defecting MLAs and the process of acceptance of their resignations by the Speaker.

11.6. The other way of answering the question raised by the petitioners is, will the institution of disqualification proceedings debar the MLA concerned from becoming a Cabinet minister (had he not resigned). The answer would obviously be NO because the MLA concerned is entitled to receive and enjoy all the benefits of his _____ Page 63 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc legislative membership till he is formally disqualified by the Speaker at the conclusion of the X Schedule disqualification proceedings.

11.7. The above view of this Court draws sustenance from a long line of judgments of the Supreme Court, the landmark being the recent most Constitution Bench judgment of the Supreme Court in the matter of [Subhash Desai v. State of Maharashtra](#)², wherein the Constitution Bench of the Supreme Court vide paras 206, 207 and 210 observed thus:

"206. In other words, the mere institution of a disqualification petition does not trigger some or all of the consequences which flow from the disqualification itself. To hold otherwise would be to blur or efface the distinction between the institution of a disqualification petition against a Member of the House and the disqualification of that Member. A claim that something is true does not mean that it is actually true. A claim must be established according to the procedure established by law before it can be considered to be a fact. When a petition for disqualification under the Tenth Schedule is filed before the Speaker, 2 (2024) 2 SCC 719 _____ Page 64 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc the party who filed the petition asserts that the respondent in the petition has contravened the provisions of the Tenth Schedule. This averment must be tested on the anvil of evidence before the Speaker, who acts as a Tribunal under the Tenth Schedule. [Article 164\(1-B\)](#) is therefore triggered only when the Speaker returns a verdict finding that the Member of the House in question has breached Para 2 of the Tenth Schedule. If the Speaker finds that Mr Shinde is disqualified, he will no longer be eligible to hold the post of Chief Minister for the duration specified in [Article 164\(1-B\)](#).

207. The petitioners have relied on the decision in Rajendra Singh Rana in support of their contention.

As discussed in the previous segment of this judgment, the disqualification of a Member of the House relates back to the date on which the proscribed act was performed for the purpose of determining whether a defence to disqualification is made out.

210. The decision in Shrimanth Balasaheb Patil applied the principle that disqualification relates to the date on which the act of defection _____ Page 65 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc takes place to mean that acts or events subsequent to the commission of the conduct prohibited under the Tenth Schedule, do not have an exculpatory effect. In other words, subsequent acts or events do not have the effect of curing such conduct or releasing the actor from the consequences which follow. This is consistent with the decision of Rajendra Singh Rana. Mr Shinde's appointment is therefore not barred by [Article 164\(1-B\)](#) of the Constitution." (emphasis supplied) 11.8. A similar view had also been echoed much prior thereto in the matter of [Shrimanth Balasaheb Patil v. Karnataka Legislative Assembly](#), (supra) by the Supreme Court in very categorical articulation vide Paras 92 to 94, which read thus:

"92. In addition to the above, the decision of the Speaker that a Member is disqualified, relates back to the date of the disqualifying action complained of. The power of the Speaker to decide upon a disqualification petition was dealt by a Constitution Bench of this Court in [Rajendra Singh Rana v. Swami Prasad Maurya](#), This Court, reading the provisions of Paras 2 _____ Page 66 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc and 6 of the Tenth Schedule, has clearly held that the Speaker has to decide the question of disqualification with reference to the date it was incurred. The Court held that: (SCC pp. 296-

97. para 34) "34. As we see it, the act of disqualification occurs on a Member voluntarily giving up his membership of a political party or at the point of defiance of the whip issued to him.

Therefore, the act that constitutes disqualification in terms of Para 2 of the Tenth Schedule is the act of giving up or defiance of the whip. The fact that a decision in that regard may be taken in the case of voluntary giving up by the Speaker at a subsequent point of time cannot and does not postpone the incurring of disqualification by the act of the legislator. Similarly, the fact that the party could condone the defiance of a whip within 15 days or that the Speaker takes the decision only thereafter in those cases, cannot also pitch the time of disqualification as anything other than the point at which the whip is defied. Therefore in the background of the object sought to be _____ Page 67 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc achieved by the Fifty-second Amendment of the Constitution and on a true understanding of Para 2 of the Tenth Schedule, with reference to the other paragraphs of the Tenth Schedule, the position that emerges is that the Speaker has to decide the question of disqualification with reference to the date on which the Member voluntarily gives up his membership or defies the whip. It is really a decision ex post facto." (emphasis supplied)

93. As such, there is no doubt that the disqualification relates to the date when such act of defection takes place. The tendering of resignation does not have a bearing on the jurisdiction of the Speaker in this regard. At this point we may allude to the case of D. Sanjeevayya v.

Election Tribunal, wherein this Court has held that:

(AIR pp. 1213-14, para 5) "5. It is, therefore, not permissible, in the present case, to interpret [Section 150](#) of the Act in isolation without reference to [Part III of the Act](#) which prescribes the machinery for calling in question the election of a returned _____ Page 68 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc candidate. When an election petition has been referred to a Tribunal by the Election Commission and the former is seized of the matter, the petition has to be disposed of according to law. The Tribunal has to adjudge at the conclusion of the proceeding whether the returned candidate has or has not committed any corrupt practice at the election and secondly, it has to decide whether the second respondent should or should not be declared to have been duly elected. A returned candidate cannot get rid of an election petition filed against him by

resigning his seat in the legislature, whatever the reason for his resignation may be.” Therefore, the aforesaid principle may be adopted accordingly, wherein the taint of disqualification does not vaporise, on resignation, provided the defection has happened prior to the date of resignation.”

94. In light of the above, resignation and disqualification are distinct mechanisms provided under the law which result in vacancy.

Further, the factum/manner of resignation may be a relevant consideration while deciding the _____. Page 69 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc disqualification petition. We do not agree with the submission of the petitioners that the disqualification proceedings cannot be continued if the resignations are tendered. Even if the resignation is tendered, the act resulting in disqualification arising prior to the resignation does not come to an end. The pending or impending disqualification action in the present case would not have been impacted by the submission of the resignation letter, considering the fact that the act of disqualification in this case have arisen prior to the members resigning from the Assembly.” (emphasis supplied) 11.9. Reference in the said respect can also be made to the view taken by the Supreme Court in the matter of [Shivraj Singh Chouhan & Ors. v. Speaker Madhya Pradesh Legislative Assembly & Ors.](#)³, wherein a question arose as to whether during the pendency of disqualification proceedings on the serious allegations of disobeying the whip of the Congress Party, the MLAs therein having switched sides, whether the Governor ought to have proceeded with the same or not. The Supreme Court was called upon to answer an 3 (2020) 17 SCC 1 _____. Page 70 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc important question as to whether the convening of a trust vote in the Legislative Assembly be deferred until such time as the Speaker had taken a decision on whether or not to accept resignations and if so, the consequence of the members departing from the fold of the party on whose ticket they were elected under the X Schedule. In the above backdrop, vide Para 80, the Supreme Court in the matter of [Shivraj Singh Chouhan & Ors. v. Speaker Madhya Pradesh Legislative Assembly & Ors.](#) (supra) observed as follows:

“80. It is trite law that neither the Governor, nor for that matter this Court, has the power to impinge upon the authority of the Speaker to take a decision on the above issues. The issue however is whether the convening of a trust vote has to be deferred until such time as the Speaker has taken a decision on whether or not to accept the resignations and if so, the consequence of the Members departing from the fold of the party on whose ticket they were elected under the Tenth Schedule. The holding of a trust note operates in a distinct field from the issue as to whether one or more individual Members of the Legislative Assembly have embarked upon a voluntary act of resignation or have incurred the _____. Page 71 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc wrath of the Tenth Schedule. Holding a trust vote is necessary to ascertain whether the Council of Ministers headed by the Chief Minister has the confidence of the House. The continuous existence of that confidence is crucial to the legitimacy and hence survival of the Government. It is a matter which can brook no delay since the authority of the Government presided over by the Chief Minister depends on the Council of Ministers continuing to have the faith of the legislative body as a collective entity. Particularly where the Members resigned in an expression of a lack of faith in the existing Government, the convening of a floor test is the surest method of assessing the impact of the resignations on the collective will of the House. The consequence of the acceptance of a resignation is to reduce the numerical strength of the House. Until the resignations are accepted, the Members who have resigned continue to be reflected in the strength of the House having regard to the language which has been employed in [Article 190\(3\)\(b\)](#) (“shall thereupon fall vacant”). Whether in a situation such as the present, an elected Government is entitled to continue despite the resignations of twenty-two of its Members has a significant bearing on the issue of confidence. Neither the Governor nor for that _____. Page 72 of 109

<https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc matter the Court can entrench upon the power of the Speaker, but the pendency of the proceedings before the Speaker cannot be a valid basis to not have the confidence of the House in the Government determined by the convening of a floor test. Added to it is a factual Circumstance in the present case that the Speaker accepted the resignations tendered by six of the twenty-two Members on 14-3-2020. All of the Members sailed together. No explanation was forthcoming in the submission of Dr Singhvi on what, if any, was the distinction between the six Members whose resignations were accepted with alacrity and the remaining sixteen on whose resignations, no decision has been taken. None of the Members who resigned (neither the six nor the sixteen) appeared before the Speaker. Therefore, non-appearance before the Speaker is evidently not a ground of distinction.” (emphasis supplied) 11.10. The Supreme Court, thus, highlighted that pendency of disqualification proceedings cannot impede or obstruct the role and duties of any MLA, which he is entitled to supposedly discharge in the Legislative Assembly. These aspects can never short circuit the

_____. Page 73 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc jurisdiction of the Speaker on the matters of holding its disqualification proceedings.

11.11. From the above, it is luculent that the pendency of disqualification proceedings cannot, by itself, obstruct or prevent the exercise of the constitutional functions and duties of the MLA concerned in relation to such proceedings.

11.12. In a vibrant democracy like India, where public representatives are chosen through adult franchise and a single vote, their disqualifications must be based upon the appropriate constitutional understanding of exercise of powers. A somewhat similar situation also arose before the Supreme Court in the matter of [Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly](#)⁴, wherein a writ of quo warranto was sought against the respondent MLA for occupying a constitutional office despite having been disqualified. The said writ of quo warranto was sought on the ground that the MLA concerned was serving as a Minister despite the pendency of disqualification proceedings against him. A

4 (2021) 16 SCC 503 _____. Page 74 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc declaration was sought that he cannot continue either as a Minister or as an MLA during the pendency of the disqualification proceedings. Repelling the said contention, it was observed by the Supreme Court that disqualification of any MLA is not incurred merely on the institution of the proceedings under the X Schedule. It is necessary that the said proceedings must be decided first, the exclusive authority in respect of which vests with the Speaker of the Manipur Legislative Assembly. Though there are high constitutional expectations from the Speaker to be acting fairly, independently and impartially whilst adjudicating the disqualification petitions, such expectations are entirely different from the vast fields of power enjoyed by the Speaker in exercising his discretion. Vide Para 33 the Supreme Court whilst denying the relief of quo warranto, observed thus:

“33. It is not possible to accede to Shri Sibal's submission that this Court issue a writ of quo warranto quashing the appointment of Respondent 3 as a minister of a cabinet led by a BJP Government. Mrs Madhavi Divan is right in stating that a disqualification under the Tenth Schedule from being an MLA and consequently minister must _____. Page 75 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc first be decided by the exclusive authority in this behalf, namely, the Speaker of the Manipur Legislative Assembly. It is also not possible to accede to the argument of Shri Sibal that the disqualification petition be decided by this Court in these appeals given the inaction of the Speaker. It cannot be said that the facts in the present case are similar to the facts in Rajendra Singh Rana. In the present case, the life of the Legislative Assembly comes to an end only in March 2022 unlike in Rajendra Singh Rana where, but for this Court deciding the disqualification petition in effect, no relief could have been given to the petitioner [in that case](#) as the life of the Legislative Assembly was about to come to an end. The only relief that can be given in these appeals is that the Speaker of the Manipur Legislative Assembly be directed to decide the disqualification petitions pending before him within a period of four weeks from the date on which this judgment is intimated to him. In case no decision is forthcoming even after a period of four weeks, it will be open to any party to the proceedings to apply to this Court for further directions/reliefs in the matter.” (emphasis supplied) _____. Page 76 of 109 <https://www.mhc.tn.gov.in/judis>

2026:MHC:4196 W.P.No.23081 of 2026 etc 11.13. The coalesce of the consistent view taken by the Supreme Court is that nothing prevents the Speaker from taking a decision either on the matter of resignation or disqualification despite the resignations having being tendered after the institution of disqualification proceedings. There is no breach of any ‘constitutional ethos’ or ‘a fraud on the Constitution’, if the Speaker chooses in his discretion to accept the resignations whilst keeping the disqualification proceedings pending. It is because under the X Schedule, the vestige of powers is with the Speaker and judicial review is warranted only in exceptional circumstances at the intermittent stage. The access to constitutional remedies and availability of constitutional redress does not in any manner diminish merely because resignations are accepted during the pendency of the disqualification proceedings. Pendency of disqualification proceedings could not have impeded the decision of the Speaker in the processing and accepting formally the resignation tendered by the defecting MLAs.

In Re Issue No.3 - Whether pending disqualification proceedings have been rendered academic on resignations of the defecting MLA being accepted?

12.1. It has been contended by the petitioners vociferously that with the acceptance of the resignation of the defecting MLAs and its formal notification in the Official Gazette, nothing remains to be done with the disqualification proceedings, which have been left academic or infructuous. The respondents also have joined the petitioners in the said submission insofar as the situation post acceptance of resignation by the Speaker is concerned. This Court, however, declines to accept the said omnibus submission of the disqualification petitions being rendered infructuous on acceptance of the resignation.

12.2. On a proper and complete reading of the judgment of the Supreme Court in the matter of [Kihoto Hollohan v. Zachillhu](#) (supra), it would be apparent that the purpose of enactment and Page 78 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc insertion of X Schedule in the COI is very laudable, viz. to maintain the purity of functioning and working of political parties/legislative parties and their respective MLAs in the discharge of their functions as legislators and representatives of the public at large. Violation of the anti-defection law or provisions of Para 2 of the X Schedule results in multiple consequences for any elected member of the House, which may broadly be stated as follows:

A. He stands disqualified from the House on a determination being made final by the Speaker, incompetent to hold the post of Minister or any position or rank in the political party from which he/ she has defected. The disqualification attaches to and bars the concerned defecting MLA from holding any remunerative political post for a period as prescribed under [Article 361-B](#);

B. Vide [Articles 75\(1-B\)](#) and [164\(1-B\)](#) of the COI, he is also disqualified from being appointed as a Minister for the duration of the period commencing from the date of his disqualification till the date on Page 79 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc which the term of their office as a member of the House would expire or till the date on which they contest election and are declared re-elected;

C. There is also an indelible taint/stigma attached to the political career of MLA concerned of having disqualified by the Speaker on the grounds of defection forever. Bearing such a stigma throughout is itself a possibility which any elected MLA intending to hold respect in the eyes of his voters or residents of his constituency, would avoid.

12.3. The aforementioned consequences, thus, ensure that a defecting MLA is unable to reap the fruits of defection within the House in the long run. Though disqualification from the House may not ipso facto result in ouster from the political party to which he belonged initially, it is the disqualification from membership of the House.

12.4. The issue regarding consequential effects of suffering disqualification under the X Schedule of the Constitution, has been Page 80 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc considered by the Supreme Court in the case of [Shrimanth Balasaheb Patil v. Karnataka Legislative Assembly](#), (supra), wherein it was held that the taint of disqualification does not vapourise on resignation, as disqualification does not come to an end on resignation and relates back to the date of defection. The relevant observations are reproduced hereunder:

“101. [Article 191](#) provides for disqualification of a membership which may be reproduced as under:

“191. Disqualifications for membership.— (1) A person shall be disqualified for being chosen as, and for being, a Member of the Legislative Assembly or Legislative Council of a State—

(a) if he holds any office of profit under the Government of India or the Government of any State specified in the First Schedule, other than an office declared by the legislature of the State by law not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

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(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;

(e) if he is so disqualified by or under any law made by Parliament.

Explanation.—For the purposes of this clause, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State specified in the First Schedule by reason only that he is a Minister either for the Union or for such State.

(2) A person shall be disqualified for being a Member of the Legislative Assembly or Legislative Council of a State if he is so disqualified under the Tenth Schedule.”

102. It is interesting to note that [Article 191\(1\)](#) of the Constitution provides for disqualification of a person (a) for being chosen as and (b) for being, a Member of the Legislative Assembly or the Legislative Council if his actions or candidature attract the grounds therein. We can therefore easily infer from the usage of language under Article Page 82 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc 191(1) that for disqualification such as holding an office of profit, unsoundness of mind, insolvency, etc., bars a person from continuing as a Member as well as from contesting elections. [Article 191\(2\)](#), on the other hand, bars a person only “for being a member” of the Legislative Assembly or the Legislative Council. This difference in phraseology would be explained later when we consider the part of the order of the Speaker which disqualified the present petitioners for the rest of the legislative term.

103. [Article 192](#) of the Constitution provides that the Governor will be the authority for determination of disqualification on the grounds as contained under [Article 191\(1\)](#) of the Constitution. In contrast, the decision as to disqualification on the ground as contained in [Article 191\(2\)](#) of the Constitution vests exclusively in the Speaker in terms of Para 6 of the Tenth Schedule. There is no dispute that provisions under Tenth Schedule are relatable to disqualification as provided under [Articles 102\(2\)](#) and [191\(2\)](#) of the Constitution.

104. At this point we need to observe [Articles 164\(1-B\)](#) and [361-B](#) of the Constitution.

Page 83 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc 104.1. [Article 164\(1-B\)](#) of the Constitution reads as under:

“164. Other provisions as to Ministers.— * * * (1-B) A Member of the Legislative Assembly of a State or either House of the Legislature of a State having Legislative Council belonging to any political party who is disqualified for being a Member of that House under Para 2 of the Tenth Schedule shall also be disqualified to be appointed as a Minister under clause (1) for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such Member would expire or where he contests any election to the Legislative Assembly of a State or either House of the legislature

of a State having Legislative Council, as the case may be, before the expiry of such period, till the date on which he is declared elected, whichever is earlier.” (emphasis supplied) _____ Page 84 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc 104.2. [Article 361-B](#) of the Constitution reads as under:

“361-B. Disqualification for appointment on remunerative political post.—A Member of a House belonging to any political party who is disqualified for being a Member of the House under Para 2 of the Tenth Schedule shall also be disqualified to hold any remunerative political post for duration of the period commencing from the date of his disqualification till the date on which the term of his office as such Member would expire or till the date on which he contests an election to a House and is declared elected, whichever is earlier.” (emphasis supplied) 104.3. From a perusal of the above provisions, it is clear that the disqualification of a Member, apart from the political taint, results in two further restrictions as a means of punitive actions against the members disqualified under the Tenth Schedule.” [emphasis supplied] _____ Page 85 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc 12.5. For the aforesaid reasons, the contentions of the petitioners that the disqualification proceedings have been rendered infructuous and academic on the formal acceptance of the resignation by the defecting MLAs, is purely conjectural and an unacceptable contention. For this reason, it is all the more necessary that the Speaker as a repository of such vital constitutional powers exercisable by him must decide the pending disqualification proceedings instituted before him expeditiously without any delay. At the same time anticipating a possibility of disqualification, no MLA can be subjected to any punitive action as conceived under the COI or be denied the opportunity of dissenting and resigning from his political party/post of MLA by voluntarily resigning, if he feels so. The proceedings pending under the X Schedule are, therefore, ways apart and different from the process and decision of the Speaker of accepting and notifying the voluntary resignations of the defecting MLAs.

12.6. Accordingly, our answer to the third issue is in the negative, we hold that the mere acceptance of the resignations of the defecting MLAs will not render the disqualification proceedings _____ Page 86 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc academic or infructuous. For the interpretation we have adopted of [Article 190\(3\)\(b\)](#) of the COI read with the X Schedule, as aforesaid, we have no hesitation to reiterate that there is absolutely no constitutional nexus between the role of the Speaker in accepting the resignation of the resigning MLAs and deciding their disqualification petitions.

In Re Issue No. 4 - Powers of this Court to issue mandamus directing the Speaker to expedite and decide the pending disqualification proceedings within a fixed timeline?

13.1. In W.P.Nos.23081 and 23085 of 2026 filed by the Official Whip, a relief has been prayed seeking a direction to the Speaker, TNLA, to decide the pending disqualification proceedings in a time bound manner.

13.2. The aforesaid relief though is worded innocuously, has raised a storm between the parties, with the respondents opposing the sustainability and competence of this Court in passing such orders. The sheet-anchor of submissions of the respondents in opposing this relief as prayed for by the petitioners is that judicial interference or intervention under [Article 226](#) of the COI cannot be _____ Page 87 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc made as a matter of routine in the powers of the Speaker whilst deciding the proceedings under the X Schedule. It is contended that the Speaker, as a constitutional repository, is not subordinate to the High Court, who can be asked like the executive to decide pending proceedings in a time bound manner. The petitioners, on the other hand, have contended that in the peculiar facts of the present case, where probabilities and possibilities of horse trading of MLAs is palpably tangible, coupled with the Speaker's alacrity in accepting the resignations within a time span of less than 2 hrs followed by the dramatic chain of events, highlights the necessity of such a judicial direction for an expeditious disposal of the disqualification proceedings. They also pleaded that the Speaker is bound to procrastinate the pending proceedings, he being after all the alter ego of the ruling dispensation, which is the beneficiary of the entire defection episode.

13.3. We have bestowed our anxious consideration to the relief of a time bound disposal and are on the side of the petitioners (unlike all the foregoing issues) in so far as such a direction has been sought. This is because there has not been a serious dispute _____ Page 88 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc on facts by any of the respondents, including the Speaker, TNLA, himself in the way and manner in which the defecting MLAs changed their political attire. A little reiteration at this juncture is necessary.

13.4. On 13th of May, official whip was disobeyed. On 25th and 26th of May, resignations are tendered which admittedly came to be accepted by the Speaker 'within less than 2 hrs of the tendering of the resignation'. The Speaker realizing that formal notification in the gazette is likely to take a day comes out openly in the media with the defecting MLAs and announces the acceptance of their resignation. This is all happening when the leader of opposition party, viz. Dravida Munnetra Kazhagam, M.K.Stalin is raising his voice highlighting the grave malpractices happening behind the curtains for the alleged 'purchase of MLAs' of the AIADMK party. After acceptance and notification of their resignation, all the defecting MLAs immediately proceeded to join the political party of the ruling dispensation and, as pointed out by the petitioners, are likely to contest the by-elections on the tickets offered by TVK in the forthcoming by-elections. Therefore, other _____ Page 89 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc than facts, there is more to it than meets the eye and, thus, the limited powers of judicial review available with the Court are necessary to be exercised to prevent the miscarriage of justice or dilution of the constitutional ethos.

13.5. This Court inquired about the status of pending disqualification proceedings from the respondents, when it was informed that only notices have been issued till date by the Speaker to the defecting MLAs. The disqualification proceedings were instituted immediately after the defiance of official whip by the defecting MLAs on 13.05.2026 and more than four months have lapsed, when only the notices have been issued. In a case like this with crossfire of serious allegations by all the opponent political parties, the Speaker was duty bound to rise above his individual predilections and respect the robe which the Constitution has gifted to him. The Speaker is expected to respect the sensitive constitutional trust by acting on the said disqualification proceedings with utmost expedition. However, the disqualification proceedings have remained pending for more than four months without any satisfactory explanation. To the contrary, technical _____ Page 90 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc objections have been taken by the respondents on the maintainability of the relief sought by the petitioners, as aforesaid. Therefore, we are left with no choice, but to intervene for issuing certain directions to the Speaker qua the disqualification petitions pending before him. However, before we proceed to issue the said mandamus, we must offer sufficient justification and answer the vehement objections of the respondents for repelling them.

13.6. The Constitution Bench of the Supreme Court in the case of [Kihoto Hollohan v. Zachillhu \(Supra\)](#) had an occasion to consider the constitutional validity of the 52nd Amendment to the COI through which the X Schedule came to be inserted. While dealing specifically with the contention on bar of judicial review on the proceedings and powers of Speaker in dealing with disqualification proceedings, as enacted under Para 7 of the X Schedule, the Supreme Court specifically dealt with the concept of 'finality' attached to such jurisdiction. Repelling the contention that the Speaker is immune from judicial review vide Paras 109, 110 and 111 the Supreme Court held thus:

_____ Page 91 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc “109. In the light of the decisions [referred to above](#) and the nature of function that is exercised by the Speaker/Chairman under Paragraph 6, the scope of judicial review under [Articles 136](#), and [226](#) and [227](#) of the Constitution in respect of an order passed by the Speaker/Chairman under Paragraph 6 would be confined to jurisdictional errors only viz., infirmities based on violation of constitutional mandate, mala fides, non-

compliance with rules of natural justice and perversity.

110. In view of the limited scope of judicial review that is available on account of the finality clause in Paragraph 6 and also having regard to the constitutional intentment and the status of the repository of the adjudicatory power i.e. Speaker/Chairman, judicial review cannot be available at a stage prior to the making of a decision by the Speaker/Chairman and a quia timet action would not be permissible. Nor would interference be permissible at an interlocutory stage of the proceedings. Exception will, however, have to be made in respect of cases where disqualification or suspension is imposed during the pendency of the proceedings and such disqualification or

suspension _____ Page 92 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc is likely to have grave, immediate and irreversible repercussions and consequence.

111. In the result, we hold on contentions (E) and (F):

That the Tenth Schedule does not, in providing for an additional grant (sic ground) for disqualification and for adjudication of disputed disqualifications, seek to create a non-justiciable constitutional area. The power to resolve such disputes vested in the Speaker or Chairman is a judicial power.

That Paragraph 6(1) of the Tenth Schedule, to the extent it seeks to impart finality to the decision of the speakers/Chairmen is valid. But the concept of statutory finality embodied in Paragraph 6(1) does not detract from or abrogate judicial review under [Articles 136, 226 and 227](#) of the Constitution insofar as infirmities based on violations of constitutional mandates, mala fides, non-compliance with Rules of Natural Justice and perversity, are concerned.

That the deeming provision in Paragraph 6(2) of the Tenth Schedule attracts an immunity analogous to that in [Articles 122\(1\) and 212\(1\)](#) of _____ Page 93 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc the Constitution as understood and explained in [Keshav Singh](#) case to protect the validity of proceedings from mere irregularities of procedure. The deeming provision, having regard to the words 'be deemed to be proceedings in Parliament' or 'proceedings in the legislature of a State' confines the scope of the fiction accordingly.

The Speakers/Chairmen while exercising powers and discharging functions under the Tenth Schedule act as Tribunal adjudicating rights and obligations under the Tenth Schedule and their decisions in that capacity are amenable to judicial review.

However, having regard to the Constitutional Scheme in the Tenth Schedule, judicial review should not cover any stage prior to the making of a decision by the Speakers/Chairmen. Having regard to the constitutional intent and the status of the repository of the adjudicatory power, no quia timet actions are permissible, the only exception for any interlocutory interference being cases of interlocutory disqualifications or suspensions which may have grave, immediate and irreversible repercussions and consequence.” (emphasis supplied) _____ Page 94 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc 13.7. The Supreme Court, thus, in unequivocal terms held that the interference by the writ Court is of an exceptional nature, being extremely limited.

13.8. In a subsequent judgment of [Rajendra Singh Rana v.](#)

[Swami Prasad Maurya & Ors.](#), the Constitution Bench of the Supreme Court again had to deal with the contention as to whether judicial intervention through quia timet actions is permissible during the pendency of disqualification proceedings before the Speaker. The Supreme Court took the view that even the failure to exercise the jurisdiction vested in him by the Speaker is a ground for judicial intervention. This view has been followed also by the Constitution Bench of the Supreme Court subsequently in [Subhash Desai v. State of Maharashtra](#) (Supra). A specific issue vide Para 32.2(b) was framed by the Supreme Court which read as follows:

“32.2 (b) Whether a petition under [Article 226](#) or [Article 32](#) lies, inviting a decision on disqualification petition by the High Courts or the Supreme Court, as the case may be;” 5 (2007) 4 SCC 270 _____ Page 95 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc The Supreme Court answered the aforesaid issue by holding that under [Article 226](#) of the COI, in exceptional circumstances, writ interference is permissible.

13.9. On the similar lines is the judgment of [Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly](#) (supra), where the question of passing of directions to the Speaker of the Manipur State Assembly arose. The Supreme Court observed that where it appears on the record that the Speaker has deliberately refused to decide the disqualification petitions before him and allows time to pass by to the advantage of the defecting MLAs, then writ courts are constitutionally obligated to interfere. If the writ courts do not interfere, then conduct of the Speaker will lead to frustration of the laudable object and purposes of the X Schedule, stripping it of its relevance and vitality. It was, accordingly, held that even indecision by the Speaker is amenable to judicial review and a writ can be issued to correct the said error or failure to exercise the jurisdiction vested in him. The Supreme _____ Page 96 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc Court vide [Para 30 of Keisham Meghachandra Singh v. Speaker, Manipur Legislative Assembly](#) (Supra) observed thus:

“30. A reading of the aforesaid decisions, therefore, shows that what was meant to be outside the pale of judicial review in para 110 of [Kihoto Hollohan](#) are quia timet actions in the sense of injunctions to prevent the Speaker from making a decision on the ground of imminent apprehended danger which will be irreparable in the sense that if the Speaker proceeds to decide that the person be disqualified, he would incur the penalty of forfeiting his membership of the House for a long period. Paras 110 and 111 of [Kihoto Hollohan](#) do not, therefore, in any manner, interdict judicial review in aid of the Speaker arriving at a prompt decision as to disqualification under the provisions of the Tenth Schedule. Indeed, the Speaker, in acting as a tribunal under the Tenth Schedule is bound to decide disqualification petitions within a reasonable period. What is reasonable will depend on the facts of each case, but absent exceptional circumstances for which there is good reason, a period of three months from the date on which the petition is filed is the outer limit within which disqualification petitions _____ Page 97 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc filed before the Speaker must be decided if the constitutional objective of disqualifying persons who have infringed the Tenth Schedule is to be adhered to. This period has been fixed keeping in mind the fact that ordinarily the life of the Lok Sabha and the Legislative Assembly of the States is 5 years and the fact that persons who have incurred such disqualification do not deserve to be MPs/MLAs even for a single day, as found in [Rajendra Singh Rana](#), if they have infringed the provisions of the Tenth Schedule.” (emphasis supplied) 13.10. After the aforesaid judgment of [Subhash Desai v. State of Maharashtra](#) (supra), the said issue again cropped up recently before the Supreme Court in the context of disqualification proceedings relating to MLAs elected to the Telangana Legislative Assembly in the matter of [Padi Kaushik Reddy v. State of Telangana](#). A specific objection was taken to the maintainability of the writ petition before the High Court, as also the Supreme Court that quia timet intervention is not permissible.

6 2025 SCC OnLine SC 1576 _____ Page 98 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc 13.11. Referring to the long line of precedents, in the aforesaid decision, the Supreme Court reiterated that judicial review may not always amount to interference, but will act in the ‘aid and assistance of the Speaker’ in taking a prompt decision on the pending disqualification proceedings, which must be decided within a reasonable time. The avowed reasons of vesting the powers for deciding disqualification petitions with the Speaker of the House was found to be for ensuring that such proceedings are decided expeditiously by a senior responsible member of the House. The Speaker of the House by being vested with such powers is expected to decide the same fearlessly and expeditiously. Vide Paras 95 to 100, the Supreme Court in the case of [Padi Kaushik Reddy v. State of Telangana](#) (supra), observed thus :

“95. In light of the facts of the present case, however, a failure to issue any direction to the Speaker, in our view, would frustrate the very purpose for which the Tenth Schedule has been brought in the Constitution. If we do not issue any direction, it will amount to permitting the Speaker to repeat the widely criticized situation of “operation successful, patient died”.

_____ Page 99 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc

96. In any event, we find that there was absolutely no occasion for the learned Judges of the Division Bench of the High Court to have interfered with the well-reasoned order of the learned Single Judge, as learned Single Judge had only asked the Speaker to fix a schedule of hearing (filing of pleadings, documents, personal hearing etc.) within a period of four weeks. The learned Single Judge had not even issued any direction to decide the disqualification

proceedings within a time-bound period. We, therefore, find that the Division Bench of the High Court has erred in interfering with the order of the learned Single Judge of the High Court.

97. We further find that as a matter of fact, there was no occasion for the Secretary, Telangana Legislative Assembly to have challenged the order passed by the learned Single Judge inasmuch as nothing adverse could be found in the said order.

98. Next, it was sought to be urged on behalf of the appellants that taking into consideration the glaring facts in the present case, we ourselves should decide the question with regard to the disqualification as _____ Page 100 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc was done by the Constitution Bench of this Court in the case of [Rajendra Singh Rana](#) (supra).

99. In that respect, it is pertinent to note that all the judgments of the Constitution Bench, right from [Kihoto Hollohan](#) (supra) to [Subhash Desai](#) (supra), consistently hold that the Speaker is the authority who should decide the issue with regard to disqualification at the first instance.

We are, therefore, not inclined to accede to the said request. We, however, find it appropriate to direct the Speaker to decide the petitions pending before it within a stipulated period.

100. We may clarify that we are inclined to do so in view of the specific finding of the Constitution Bench of this Court in the cases of [Kihoto Hollohan](#) (supra) and [Subhash Desai](#) (supra), that the Speaker, while acting as an adjudicating authority in Paragraph 6(1) of the Tenth Schedule to the Constitution, acts as a Tribunal amenable to the jurisdiction of the High Court under [Articles 226](#) and [227](#) of the Constitution and of this Court under [Article 136](#) of the Constitution. While doing so, we are also reminded of the finding of the Constitution Bench that the Speaker/Chairman, while acting as an _____ Page 101 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc adjudicating authority under Paragraph 6 of the Tenth Schedule to the Constitution does not enjoy the constitutional immunity as available either under [Article 122](#) or 212 of the Constitution.” (emphasis supplied) 13.12. Upshot of the above discussion is that issuance of any direction to the Speaker for expeditious decision on the pending proceedings never amounts to interference or usurpation of his powers, but is rather a facilitation of the duty which he is expected to discharge promptly and swiftly. At the same time, the Court must also be conscious of the public confidence in the working of the State Assembly. An expeditious disposal of disqualification proceedings in a fair and transparent manner by the Speaker would give a quietus to a large number of questions which the common man might have to ask on being made aware about the large scale defections that took place immediately following the floor test in which the TVK party was successful. In democracy, all institutions have a fundamental responsibility to ensure that public confidence in their functioning or administration is not dwindled. Therefore, to maintain respect and trust of the populace in the public institutions, _____ Page 102 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc the disposal of said petitions must be done extremely swiftly and expeditiously, preferably within a fixed time frame.

13.13. We, accordingly, answer the 4th issue in favour of the petitioners by allowing the relief as prayed for by them against the Speaker for a writ of mandamus directing the Speaker, TNLA, for disposing of the pending disqualification proceedings within a time bound period. We, therefore, issue the following directions in respect of the pending disqualification proceedings to the respondent/Speaker, TNLA to be complied with in letter and spirit:

A. The pending disqualification proceedings against all the respondents (defecting MLAs) instituted at the behest of the petitioner/AIDMK shall be taken up at the earliest and the Speaker shall prepare a timetable of the progress of the proceedings, to be concluded finally within a period of two months from the date of this judgment. Such timetable shall provide specific timelines and deadlines for various stages of the proceedings, viz.

_____ Page 103 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc filing of replies by the defecting MLAs to the petitions of disqualification, objections by the complainant/ petitioner, finalisation of the pleadings and thereafter dates when final arguments and submissions would take place. This timetable shall be prepared at the earliest not later than 7 days from the date of this order and be made public for all the stakeholders having interest in the outcome of the said disqualification proceedings;

B. The Speaker shall not allow any defecting MLA to unnecessarily delay the pending disqualification proceedings by seeking adjournments on flimsy grounds, by giving unnecessary adjournments on asking. In any case, not more than two opportunities/adjournments should be given to the defecting MLAs, as it has been informed that the proceedings are already pending for the last four months. The principles of natural justice, both substantively and procedurally, must be followed and _____ Page 104 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc the Speaker is expected to pass a reasoned decision on all the pleas/grounds and issues raised by the petitioner/complainant before it whilst finally disposing of the complaints/petitions so instituted under the X Schedule;

C. The petitioner/complainant shall be at liberty to take all pleas, grounds and make submissions as available to them under law, which the Speaker shall take into consideration in terms of the timetable fixed by him and pass the final order only after considering the same;

D. If for any reason, the said disqualification petitions are not decided within the timeline of two months as fixed by this Court above, then any interested party shall be at liberty to move an appropriate application for necessary directions/ orders in the said regard. Needless to emphasize that the timeline of two months as fixed by this Court is sacrosanct and is required to be followed rigidly by _____ Page 105 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc the Speaker by rising above all the political ideologies and differences as the constitutional repository of the trust and faith reposed in him.

Conclusions:

14. Our conclusion to the various issues so framed are as follows:

i. The resignations tendered by the defecting MLAs were ‘genuine’ & ‘voluntary’ and in terms of the provisions enshrined under X Schedule. The Speaker, TNLA was not required to undertake a roving or detailed inquiry into the alleged motives behind them. Accordingly, their acceptance and the consequential declaration of vacancies are constitutionally valid.

ii. The pendency of disqualification proceedings did not constitutionally bar the Speaker from accepting the resignations, as resignation and disqualification are two distinct constitutional processes. The Speaker was, therefore, competent to accept the _____ Page 106 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc resignations notwithstanding the pending disqualification proceedings.

iii. The acceptance of resignations does not render the pending disqualification proceedings academic or infructuous. The Speaker shall still finally adjudicate and decide the disqualification proceedings and such determination shall carry the consequences prescribed under the X Schedule of the Constitution.

iv. The High Court possesses the power under [Article 226](#) of the COI to intervene where the Speaker fails to decide disqualification proceedings within a reasonable period. In the peculiar circumstances, a time bound mandamus is being issued directing the Speaker, TNLA to conclude the disqualification proceedings finally within a period of two months.

15. In terms of the above conclusions and directions, W.P.Nos.26155 and 26422 of 2026 are dismissed and W.P.Nos.23081, 23085 and 22397 of 2026 are partly allowed. _____ Page 107 of 109 <https://www.mhc.tn.gov.in/judis> 2026:MHC:4196 W.P.No.23081 of 2026 etc There shall be no order as to costs. Consequently, connected miscellaneous petitions stand closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G. ARUL MURUGAN, J)
13.10.2026

Index : Yes
Neutral Citation : Yes
sasi

To:

1. The Speaker
Tamil Nadu Legislative Assembly,

Secretariat, Ground Floor, Fort St. George, Chennai-600 009.

2.The Secretary Tamil Nadu Legislative Assembly, Secretariat, Ground Floor, Fort St. George, Chennai-600 009.

3.The Election Commission of India Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

4.The Chief Electoral Officer Principal Secretary to the Government, Public Elections.III Department, Secretariat, Chennai-600 009.

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(sasi) W.P.Nos. 23081, 23085, 26422, 26155 and 22397 of 2026 13.10.2026 _____ Page 109 of 109 <https://www.mhc.tn.gov.in/judis>