

ITEM NO.37

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.333/2023

THE STATE OF TELANGANA

Petitioner(s)

VERSUS

SECRETARY TO HER EXCELLENCY THE HON'BLE
GOVERNOR FOR THE STATE OF TELANGANA & ANR.

Respondent(s)

(With IA No.59530/2023 - INTERVENTION/IMPLEADMENT)

Date : 24-04-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Dushyant Dave, Sr. Adv.
Mr. Sriharsha Peechara, Adv.
Mr. Rajiv Kumar Choudhry, AOR
Ms. Pallavi, Adv.
Mr. Duvvuri Subrahmanya Bhanu, Adv.

For Respondent(s) Mr. Tushar Mehta, SG
Mr. Kanu Agarwal, Adv.
Mrs. Swati Ghildiyal, Adv.
Mr. Madhav Sinhal, Adv.
Mr. Shetty Uday Kumar Sagar, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. P.V. Krishnaiah, Adv.
Mr. N.K. Verma, Adv.
Mr. Mohit Yadav, Adv.
Mr. Satyakam Chakraborty, Adv.

Mr. K.R. Anand, Adv.
Dr. Ram Kishor Choudhary, Adv.
Mr. Chand Qureshi, AOR

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

- 1 Article 200 of the Constitution provides as follows:

“200. Assent to Bills.- When a Bill has been passed by the Legislative Assembly of a State or, in the case of a State having a Legislative Council, has been passed by both Houses of the Legislature of the State, it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Provided that the Governor may, as soon as possible after the presentation to him of the Bill for assent, return the Bill if it is not a Money Bill together with a message requesting that the House or Houses will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the House or Houses shall reconsider the Bill accordingly, and if the Bill is passed again by the House or Houses with or without amendment and presented to the Governor for assent, the Governor shall not withhold assent therefrom:

Provided further that the Governor shall not assent to, but shall reserve for the consideration of the President, any Bill which in the opinion of the Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is by this Constitution designed to fill.”

- 2 The first proviso to Article 200 states that the Governor may “as soon as possible after the presentation” of the Bill for assent, return the Bill if it is not a Money Bill together with a message for reconsideration to the House or Houses of the State Legislature. The expression “as soon as possible” has

significant constitutional content and must be borne in mind by constitutional authorities.

- 3 The communication dated 23 April 2023 of the Secretary to the Governor of Telangana to the Solicitor General of India, which is placed on the record, contains the following updated status in respect of the bills which were pending with the Governor:

“The following bills are returned with messages of the Hon’ble Governor:

- 1) The Telangana Municipal Laws (Amendment) Bill, 2022 (L.A. Bill No.7 of 2022)
- 2) The Telangana Public Employment (Regulation of Age of Superannuation) (Amendment) Bill, 2022 (L.A. Bill No.8 of 2022)

In the Telangana State Private Universities (Establishment and Regulation) (Amendment) Bill, 2022 (L.A. Bill No.12 of 2022) the Hon’ble Governor have sought certain additional information and the same has been called for from the State Government.

In the Telangana Panchayat Raj (Amendment) Bill, 2023 (L.A. Bill No.2 of 2023) certain clarifications were sought from the State Government and the same are awaited.

Therefore action has been taken on all the bills and no bill is pending without action.

The Azamabad Industrial Area (Termination and Regulation of Leases) (Amendment) Bill, 2022 (L.A. Bill No.6 of 2022) said to have been with the Hon’ble Governor in fact is not yet submitted by the Law Department to the Hon’ble Governor for consideration and assent.”

- 4 In view of the above factual position, since no Bill is pending with the Governor “without action” as recorded above, it does not become necessary to dwell any further on the issues sought to be raised in the Petition, at this

stage. They are left open to be decided in an appropriate case.

- 5 The Petition is accordingly disposed of.
- 6 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar