

(1971) 03 SC CK 0035
In the Supreme Court Of India
Case No : Civil Appeal No. 186 Of 1971

Thiru K.N. Rajgopal

APPELLANT

Vs

Thiru M. Karunanidhi and Others

RESPONDENT

Date of Decision : 17-03-1971

Acts Referred:

Constitution of India, 1950 — Article 155, 164(2), 356, 75(3)

Citation : AIR 1971 SC 1551 : (1972) 4 SCC 733

Hon'ble Judges : Sikri, C.J;P. Jaganmohan Reddy, J;K. S. Hegde, J;G. K. Mitter, J;A. N. Grover, J

Bench : Full Bench

Final Decision : dismissed

Judgement

Sikri, C.J.—We have just delivered judgment in U.N.A. Rao Vs. Smt. Indira Gandhi, . A similar question arises in this appeal, but with respect to the Chief Minister and the Ministers of the State of Tamil Nadu. The relevant articles are worded similarly. The only difference is that the Governor is not elected but he is appointed by the President under Article 155 of the Constitution and Article 356 of the Constitution makes provisions in case of failure of Constitutional machinery in the State. But when an assembly is dissolved there is no failure of the Constitutional machinery within Article 356. Article 164(2), which provides that the Council of Ministers shall be collectively responsible to the Legislative Assembly of the State has to be read in the same manner as we have read Article 75(3). Following our reasoning in that appeal this appeal must fail. In the result the appeal is dismissed but with no order as to costs.