

P. ASHOKAN
v.
UNION OF INDIA AND ANR.

FEBRUARY 6, 1998

[M.M. PUNCHHI, CJI., B.N. KIRPAL AND M. SRINIVASAN, JJ.]

Constitution of India, 1950 :

Article 32—Decision attaining finality—Reconsideration of—Held, cannot be claimed on the basis of its effect in accordance with law—On merits, no case to entertain the petition under Article 32 made out.

Khoday Distilleries Limited and Anr. v. The Registrar General, Supreme Court India, [1996] 3 SCC page 114.

CIVIL ORIGINAL JURISDICTION : Writ Petition (c) No. of 1997.
Dairy No. 20068 of 1997.

(Under Article 32 of the Constitution of India)

Manoj Swarup, Ms. Lalita Kohli and Ms. M. Swarup for M/s. Manoj Swarup & Co. for the Petitioner.

The following Order of the Court was delivered :

On merits, we find no case to entertain this petition under Article 32 of the Constitution. Besides a three Judge Bench decision of this Court, authored by J.S. Verma, J. (as Hon'ble the Ex-Chief Justice then was) in *Khoday Distilleries Limited and Anr. v. The Registrar General, Supreme Court of India, [1996] 3 SCC The Page 114* has ruled as follows:

“In a case like the present, where in substance the challenge is to the correctness of a decision on merits after it has become final, there can be no question of invoking Article 32 of the Constitution to claim reconsideration of the decision on the basis of its effect in accordance

A with law. Frequent resort to the decision in *Antulay* in such situations is wholly misconceived and impels us to emphasize this fact.”

We are in agreement with such view.

B The writ petition is dismissed.

R.P.

Petition dismissed.