

SUPREME COURT OF INDIA

P.Ashokan

Versus

Union of India

(M.M. Punchhi, C.J., B.N. Kirpal and M. Srinivasan, JJ)

Writ Petition (C) No.of 1997 (D.No. 20068 of 1997)

06.02.1998

JUDGMENT

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 Ltd. V. Registrar, Supreme Court of India has ruled as follows : (SCC p. 117, para 7).

"In a case like the present, where I 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 with law. Frequent resort to the decision in Antulay in such situation is wholly misconceived and impels us to emphasise this fact."

2. We are in agreement with such view.
3. The writ petition is dismisses.