

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(Civil) No.68/2001

KHYALA MANUFACTURERS WELFARE ASSON.& ANR

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(With Appln(s). for ad-interim ex-parte stay,directions and
amendment of the petition)
(With Office Report)

Date : 19/08/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s)

Mr. Ranjit Kumar,Sr.Adv.(A.C.)
Mr. Sushil Kumar Jain,adv.
Ms. Pratibha Jain,Adv.

For Respondent (s)
for NCT,Delhi

Mr. Altaf Ahmad,ASG.
Mr. K.C.Kaushik,adv.
Mr. D.N. Goburdhan,Adv.
Ms. Pinky Anand,adv.
Ms. Geeta Luthra,adv.
Ms. Indra Sawhney,Adv.

For Delhi Jal Board

Mr. R.S. Suri,Adv.
Mr. Jagjit Singh Chhabra,adv.
Mr. Chandra Bhushan Prasad,adv.

Mr. V.B.Saharya,adv.for
M/s. Saharya & Co.advs.

Mr. Shreekant N. Terdal,Adv.

Mr. Rakesh K. Sharma,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.J
.SP2

Heard Mr. Sushil Kumar Jain, learned counsel
appearing for the petitioner.

This petition is under Art.32 seeks to assail the earlier orders passed by this Court on the ground that the petitioners are not parties to the earlier proceeding and also on the ground that several other questions have not been raised and answered. The question whether a final order of this Court could be assailed by filing a writ petition under Art.32, no longer remains res-integra and has been answered in the case of Rupa Ashok Hurra vs. Ashok Hurra reported in 2002 (4) SCC 388. The court in the aforesaid judgment in unequivocal term held that a petition under Art.32 assailing the final judgment and order of the Supreme Court after dismissal of review petition is not maintainable irrespective whether the petitioner was a party to the case or not. The court has indicated the method by which the grievance can be remedied by filing a curative petition and the parameters for entertainment of such curative petition has also been laid down. It has been held that the petitioner's petition under Art.32 be treated as a curative petition and procedure indicating therein for consideration should be followed. In that view of the matter this petition under Art.32 be treated as curative petition and the procedure for dealing with such curative petition be followed.

.SP1

(Suman Wadhwa)
Court Master

(Suneet Bala Sharma)
Assistant Registrar