

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7164-7165 OF 2022
(Arising from SLP(C) Nos.8464-8465/2010)

BUSH HOG LLC

APPELLANT(S)

VERSUS

KARUNADA SENA & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. These appeals challenge the judgment and order dated 20.01.2010 passed by the Division Bench of the High Court of Karnataka at Bangalore in Miscellaneous Writ No.554 of 2010 and Writ Appeal No.244 of 2010.
3. The genesis of the matter lies in the order dated 20.10.2009 passed by the Division Bench of the High Court, which disposed of Writ Petition No.29906 of 2009 filed by Karunada Senae.
4. The Writ Petition purportedly filed in public interest did not meet with success before the Division Bench, which passed the following order:

“Since we do not see any public interest as

the cause of action directly relates to the employees, who are the members of the society, the petition may be posted before the learned Single Judge concerned."

5. The matter was thus relegated to the Single Judge, who found that the concerned petitioner had no locus to file the Writ Petition. The relevant observations made by the Single Judge in his Order dated 22.10.2009 were as under:

"Apparently, the Petitioner has no locus to file this writ petition. Indeed if all the units are shut down, it is always open for the members of the society to have recourse to either under the Labour Law, Industrial Disputes Act or if the company has gone under liquidation to lodge the claim in the liquidation proceedings. Indeed the relief itself sought for by the Petitioner in this petition certainly cannot be granted, since there are other modes as to how the interest of the members of the society can be taken care of."

6. The matter was carried further by the writ petitioner by filing Writ Appeal before a Division Bench of the High Court being Writ Appeal No.244 of 2010. The order passed by the Single Judge was interfered with for the following reasons :-

"For the reasons stated in the Miscellaneous writ and also the reasons assigned by the learned Single Judge, in our considered view, the order passed by this Court on 20.10.2009 is required to be recalled. Accordingly, the

same is recalled. The Writ Petition is restored to its original file as Public Interest Litigation (PIL). Since the order is recalled, the writ appeal is required to be disposed of. Accordingly, the Writ Appeal is disposed of and writ petition is restored to its original file."

7. The resume of facts, as detailed above, show that the Division Bench of the High Court in its order dated 20.10.2009 had clearly ruled that no public interest was found and that the cause of action as projected directly related to the concerned employees. In that light, when the matter went to the Single Judge, it was clearly observed that the writ petitioner had no *locus standi* in the matter.

8. Once the issue had attained finality by the determination made by the Division Bench on the earlier occasion, the present impugned order could not have reopened the matter again and restored the Writ Petition to be dealt with as a Public Interest Litigation.

9. We, therefore, set aside the order passed by the Division Bench and dismiss Writ Appeal No.244 of 2010.

10. The appeals are thus allowed without any order as to costs.

11. Pending applications, if any, stand disposed
of.

.....,CJI.
(UDAY UMESH LALIT)

.....,J.
(S. RAVINDRA BHAT)

.....,J.
(BELA M. TRIVEDI)

NEW DELHI;
OCTOBER 11, 2022

ITEM NO.8

COURT NO.1

SECTION IV-A

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

Petition(s) for Special Leave to Appeal (C) No(s). 8464-8465/2010

(Arising out of impugned final judgment and order dated 20-01-2010 in MW No. 554/2010 and WA No. 244/2010 passed by the High Court Of Karnataka At Bengaluru)

BUSH HOG LLC

Petitioner(s)

VERSUS

KARUNADA SENAE & ORS.

Respondent(s)

Date : 11-10-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Parties

Mr. C.A. Sundaram, Sr. Adv.
Mr. Maninder Singh, Sr. Adv.
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Mrs. Bindra Rana, Adv
Mr. Divyam Aggarwal, Adv.
Mr. Anuj Jhavar, Adv.
Mr. Aniket Aggarwal, Adv.
M/S. S. S. Rana & Co., AOR

Mr. Maninder Singh, Sr. Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Pranav Saigal, Adv.
Mr. Ajay Sabharwal, Adv.
Mr. Raghav Tewari, Adv.

Mr. V. N. Raghupathy, AOR
Mr. Parikshit Angadi, Adv.
Mr. Md. Apzal Ansari, Adv.

Dr. Sushil Balwada, AOR
Mr. Bishwendra Singh, Adv.
Mr. Mustafa Sajad, Adv.

Mr. Manu Nair, Adv.
Mr. Neelabh Shreesh, Adv.
Mr. S. S. Shroff, AOR

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

Leave granted.

The appeals are allowed in terms of the
signed order.

Pending applications also stand disposed of.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
COURT MASTER

(Signed order is placed on the file.)