

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.392 OF 2011

S.KRISHNASWAMY & ORS.

Petitioner(s)

VERSUS

MINISTRY OF FINANCE & ORS.

Respondent(s)

(With appln(s) for ex-parte stay, impleadment and office report)

Date: 21/11/2011

This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s)

Mr. Gopal Subramaniam, Sr. Adv.
Mr. Rudreshwar Singh, Adv.
Mr. Prashant Kumar, Adv.
Mr. Anurag Sharma, Adv.
for M/S. AP & J Chambers, Advs.

For Impleadment

Mr. P.S. Biju, Adv.
Mr. D.K. Devesh, Adv.
Mr. R. Gopalakrishnan, Adv.

For Respondent(s)

Mr. Goolam E. Vahanvati, AG.
Mr. R.F. Nariman, SG.
Mr. Devadat Kamat, Adv.
Mr. T.A. Khan, Adv.
Mr. Kavin Gulati, Adv.
Mr. B.V. Balaram Das, Adv.

Mr. Harish N. Salve, Sr. Adv.
Mr. B.V. Desai, Adv.

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

On 26th August, 2011, Writ Petition (C) No.340 of 2011, came up before this Court. On going through the petition, this Court was of the ...2/-

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opinion that, in that petition filed in public interest, there existed misjoinder of causes of action. That, no proper grounds were taken in support of the challenge to the impugned Notification. That, there was misjoinder of parties. In the circumstances, that writ petition was dismissed as withdrawn. We thought that the petitioners would approach this Court with a proper petition. However, to our surprise, the present writ petition is almost identical to the earlier writ petition, bearing No.340 of 2011. One more aspect needs to be highlighted. Shri Gopal Subramaniam, learned senior counsel appearing on behalf of the petitioners, raised important questions of constitutional importance in his oral arguments. However, they do not find place in the petition. We make it clear that the prayer of striking down the appointment of the present

incumbent, Chairman of SEBI, on the pleadings
cannot be granted.

Subject to above, we permit this writ
petition to be withdrawn in terms of the permission
sought. The writ petition is, accordingly,
dismissed as withdrawn.

[T.I. Rajput]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar