

WPMS No. 2453 of 2017

**U.C.Dhyani, J.**

Mr. C.K.Sharma, Advocate, present for the petitioner.

Mr. R.C.Arya, Standing Counsel, present for the State.

By means of present writ petition, the petitioner prays for the following reliefs, among others:

*“(a) Issue a writ, order or direction in the nature of prohibition directing the respondent no. 2 not to proceed further in regular suit no. 22/02 of 2016, A jeet Nath Jha vs. Uttarakhand Government & others, pending before the Assistant Collector (first class)/ sub Divisional Officer, Rudrapur, District Udham Singh Nagar, Uttarakhand, contained in Annexure No. 1 to the writ petition.*

*(b) Issue an appropriate writ, order or direction declaring regular revenue suit no. 22/02 of 2016, Ajeet Nath Jha vs. Uttarakhand Government & others as not maintainable.”*

It is the submission of learned counsel for the petitioner that the matter in issue between the parties has been decided earlier by the revisional court and, therefore, subsequent suit is not maintainable. According to the learned counsel for the petitioner the same is barred by the principle of *res judicata*.

Issue notice to the respondents no. 3 to 8. Steps be taken within a week.

List on 9<sup>th</sup> November, 2017 along with Writ Petition (M/S) 2106 of 2015.

In the meanwhile, if an application for adjournment is moved on behalf of the petitioner/applicant before the Trial Court, the same shall be considered favourably for a period of six weeks.

**(U.C.Dhyani, J.)**

04.10.2017

