

**(1996) 08 RAJ CK 0013**  
**In the Rajasthan High Court**  
**Case No : Civil Writ Petition No. 973 of 1996**

Ajeet Singh

APPELLANT

Vs

State of Raj. and Others

RESPONDENT

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**Date of Decision :** 06-08-1996

**Acts Referred:**

Constitution of India, 1950 — Article 129, 141, 144

**Citation :** (1996) 3 RLW 305 : (1996) 3 WLC 568 : (1996) 2 WLN 600

**Hon'ble Judges :** R.R. Yadav, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

R.R. Yadav, J.—Heard.

2. Perused the order impugned dated 11.3.1996 Anx. 5 to the writ petition.

3. A perusal of the order impugned dated 11.3.96 (Anx. 5) reveals that respondent No. 1 has passed the aforesaid order in compliance of the order passed by the Hon''ble Supreme Court on 3.11.95. There is no manifest error in the order impugned.

4. The grievance of the petitioner before me is that in garb of the impugned order Anx. 5 to the writ petition, respondent No. 1 is circumventing the order passed by the Apex Court on 3.11.95, reported in Ajit Singh Vs. Union of India and others,

5. In my humble opinion lis between the parties has been finally decided by the Apex Court on 3.11.95 on merits, therefore, the present writ petition is barred by principle of resjudicate.

6. The principle of direct resjudicata as well as constructive resjudicata both are applicable to writ petition to void multiplicity of litigation between same party on any matter in issue which has been directly and substantially decided between the parties or ought to have been raised and would have been decided upto the

Apex Court.

7. Indisputably in the present case a writ petition was filed by one of the parties before the learned Single Judge of this Court and against decision of learned Single Judge an special appeal was preferred under the Rules of the Court before Division Bench. After decision of the Special appeal by Division Bench of this Court SLP was filed before the Hon''ble Supreme Court which has been finally decided on merits. The decision rendered by Apex Court has attained finality and as such now the same issue or any other issue which ought to have been raised in earlier litigation cannot be allowed to be raised by way of filing the present writ petition.

8. In abundant caution it is made clear that the decision rendered by the Apex Court between the petitioner and the respondents reported in *Ajit Singh Vs. Union of India and others*, would be binding upon this Court as a precedent as contemplated under Article 141 of the Constitution of Indian in other cases but the question which has already been agitated before the learned Single Judge in a writ petition and in special appeal before the Division Bench of this Court and then thereafter before the Hon''ble Supreme Court in SLP cannot be allowed to be reagitated by way of filing present petition in order to avoid multiplicity of litigation.

9. I am also of the opinion that all authorities, civil and judicial, in the territory of India are under constitutional obligation to act faithfully in aid of Supreme Court's pronouncement within the meaning of Article 144 of the Constitution. If any attempt is made to circumvent the order passed by the Apex Court as alleged by the petitioner then in such a situation it is to be brought to their lordships' notice as envisaged under Article. 129 of the Constitution.

10. As a result of the aforementioned discussion, instant writ petition is hereby dismissed in limine on the ground of *resjudicata* and also on the ground of an alternative remedy available to the petitioner under Article 129 of the Constitution.

11. After dictation of order, the learned members of the Bar present in Court made a request to make the order reportable. Request is allowed and the order is made "REPORTABLE".