

C.M.P. No.11851 of 2023 in W.A. No.1114 of 2022

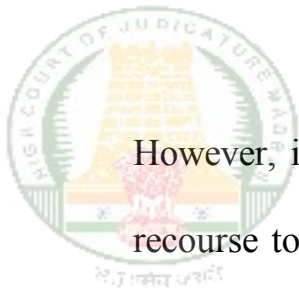
S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

After filing W.A. No.1114 of 2022, since the petitioner wanted to withdraw the same, the learned counsel for the petitioner sought permission therefor and also made an endorsement to that effect, in view of which, the writ appeal was dismissed as withdrawn by this Court *vide* judgment dated 07.06.2022. Seeking to recall the said order and to hear the writ appeal on merits, this petition has been filed by the appellant in the writ appeal.

2 On a perusal of the records, it appears that much water has flown under the bridge and in such perspective of the matter, this Court is not inclined to recall the order dated 07.06.2022. Further, when an order has been passed by a Single or Division Bench, the question of recalling the same by means of a miscellaneous petition or listing the matter under the caption “for being mentioned” is not permissible in view of the judgment of the Supreme Court in **Supertech Ltd. v Emerald Court Owner Resident Welfare Association and Others [(2021) 10 SCR 569]**, in which, the judgments of the Supreme Court in **Delhi Administration v Gurdip Singh Uban [AIR 2000 SC 3737]**, **Common Cause v Union of India (2004) 5 SCC 222** and **Zahira Habibuyllah Sheikh v State of Gujarat [(2004) 5 SCC 353]**, have been quoted with approval.



However, if the petitioner is aggrieved by such order, it is open to him to take recourse to filing a review application or any other appropriate remedy available to him.

In view of the foregoing, without expressing any opinion, we reject the plea of the petitioner and accordingly, this C.M.P. stands dismissed.

(S.V.N., J.) (K.R.S.,J.)
01.11.2023

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