



WP(MD) No.464 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **28.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.464 of 2024

and

W.M.P.(MD).Nos.490 and 898 of 2024

Gopi Jeganathan

... Petitioner

/vs./

1.The District Superintendent of Police,
Theni District,
Theni.

2.The Deputy Superintendent of Police,
Aandipatti,
Theni District.

3.The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.

4.The Sub-Inspector of Police,
Mayiladumparai Police Station,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order of Na.Ka.No.09/Ka.Vattam/2023 dated 25.12.2023 passed by the third Respondent and quash the same and consequently direct the



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Respondents 2 and 3 to give permission / police protection to the Petitioner for conducting Music Festival along with Radio/Micset Organizers on 12.01.2024 and 13.01.2024 respectively from morning 8 A.M. to evening 5 P.M. at the place of Kumananthozhu Village, Aandipatti Taluk, Theni District.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The petitioner has instructed his Counsel to withdraw the petition. Accordingly, the learned counsel appearing for the Petitioner seeks permission of this Court to withdraw this petition and has circulated a letter in this connection.

2. Hence, permission is granted and accordingly, this Writ Petition is dismissed as withdrawn.

3. The Hon'ble Supreme Court in *Sarguja Transport Service vs State Transport Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action. Only if the right to sue for the



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same cause of action is reserved before seeking dismissal of the suit/Writ Petition as not pressed, he/she can file a fresh Petition. In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Petition on the same cause of action. No costs. Consequently, connected miscellaneous petitions are closed.

28.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr

TO:

- 1.The District Superintendent of Police,
Theni District,
Theni.
- 2.The Deputy Superintendent of Police,
Aandipatti,
Theni District.
- 3.The Inspector of Police,
Kadamalaikundu Police Station,
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- 4.The Sub-Inspector of Police,
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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.464 of 2024

Dated:
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