



WP(MD) No.3777 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2024**

CORAM:

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

W.P.(MD) No.3777 of 2024

K.Kaliraj

... Petitioner

/vs./

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi.
- 2.The Inspector of Police,
Tharuvaikulam Police Station,
Thoothukudi District.
- 3.Muthumalai
- 4.Arularasu
- 5.Ramesh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st Respondent to withdraw the Petitioner's complaint dated 24.11.2023, 29.11.2023 pending before the 2nd Respondent and entrust the same to any other officer not below the rank of



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Deputy Superintendent of Police for investigation based on the representation dated 15.12.2023 within the time stipulated by this Court on the basis of the Petitioner's representation dated 12.05.2023.

For Petitioner : Mr.P.Banuprasath

For R1 & R2 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The learned Counsel for the Petitioner seeks permission of this Court to withdraw this Petition and he has also made an endorsement to that effect.

2.In view of the endorsement made by the learned Counsel for the Petitioner, this Writ Petition is dismissed as withdrawn. No costs.

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Transport Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 same cause of action is reserved before seeking dismissal of the suit/Writ Petition



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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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Writ Petition on the same cause of action.

20.02.2024

Index : Yes / No

Internet : Yes / No

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TO:

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SATHI KUMAR SUKUMARA KURUP, J.

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Order made in
W.P.(MD)No.3777 of 2024

Dated:
20.02.2024