



W.P(MD)No.4770 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.4770 of 2024

Stellah

...Petitioner

Vs.

**1. The Superintendent of Police,
Sivagangai,
Sivagangai District.**

**2. The Inspector of Police,
Sipcot Police Station,
Manamadurai,
Sivagangai District**

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second Respondent herein to initiate appropriate criminal action under the relevant provisions of law on the basis of my complaint dated 20.12.2023 lodged before the second Respondent herein.



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For Petitioner : Mr.R.Ilayaraja
For Respondents : Mr.B.Thanga Aravindh
Government Advocate

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2.In view of the endorsement made by the learned Counsel for the Petitioner, this Petition is dismissed as withdrawn.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Transport Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 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



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Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Writ Petition on the same cause of action.

01.03.2024

Internet: Yes
Index : Yes/No
jbr

To

1. The Superintendent of Police,
Sivagangai,
Sivagangai District.
2. The Inspector of Police,
Sipcot Police Station,
Manamadurai,
Sivagangai District



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SATHI KUMAR SUKUMARA KURUP, J.

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