



WP(MD) No.28906 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM:

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

W.P.(MD) No.28906 of 2023

M/S.Cape Infrastructure (P) Ltd.,
represented by its Authorized Signatory,
R.Sudalaimani
S/o.Rajapandi,
New No.9, Old No.3, Jawahar Street,
Ramavarmapuram,
Nagercoil 629 001,
Kanyakumari District.

... Petitioner

/vs./

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

2.The Inspector of Police,
Pasuvanthanai Police Station,
Pasuvanthanai,
Thoothukudi District.

3.Sivasubramanian

4.M.Karthick

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd Respondent to consider the Petitioner's representation dated 27.05.2023 and pass appropriate orders registering the same as a case as against the 3rd and 4th Respondents for committing the offences of cheating, fabrication, forgery and other allied offences of enrichment by illegal means forthwith.

For Petitioner : Mr.S.Palanivelayutham

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2.In view of the endorsement made by the learned Counsel for the Petitioner, this Petition is dismissed as withdrawn.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Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 In such cases, if the Writ Petition/suit/Original Petition had been dismissed as withdrawn, the Petitioner in such a case, loses his/her right to file a fresh Writ Petition on the same cause of action.

18.03.2024

Index : Yes / No
Internet : Yes / No
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TO:

- 1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Pasuvanthanai Police Station,
Pasuvanthanai,
Thoothukudi District.



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SATHI KUMAR SUKUMARA KURUP, J.

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Order made in
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Dated:
18.03.2024