



WP(MD) No.29359 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **29.02.2024**

CORAM:

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

W.P.(MD) No.29359 of 2023

M/s.Can Fin Homes Limited,
Represented by its Authorised Officer,
VR.Shiva
Having its Branch Office at:
B-11, 2nd Floor, Star Towers,
12th Cross Street, Thillai Nagar,
Trichy – 620 018.

... Petitioner

/vs./

- 1.The District Collector and District Magistrate,
The Office of the District Collector,
Collectorate,
Cantonment,
Trichy – 620 001.
- 2.The Tahsildar,
Manachanallur Taluka Office,
Trichy-Turaiyur High Way,
State High Way 62,
Manachanallur, Trichy – 621 005.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
District Police Office, Ramanathapuram Road,
Kajamalai Colony,
Edamalaipatti Pudur, Trichy – 620 020.



WP(MD) No.29359 of 2023

4.The Inspector of Police (Law and Order),
No.1 Toll Gate Police Station,
Kollidam, Maruthi Nagar,
Bikshandarkoil,
Trichy – 621 216.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 3 and 4 to give adequate Police protection to enable the Petitioner Company to take physical possession of the Mortgaged Property in furtherance of the Order dated 20.04.2023 passed by the first Respondent within a time frame fixed by this Court.

For Petitioner : Mr.S.I.Muthiah

For Respondents : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)

ORDER

The writ petitioner has instructed his Counsel to withdraw the Writ Petition. Accordingly, the learned counsel appearing for the Petitioner seeks permission of this Court to withdraw the Writ Petition and has circulated a letter in this connection. He also made an endorsement to that effect.



WP(MD) No.29359 of 2023

WEB COPY

2. Hence, permission is granted and accordingly, the Writ Petition is dismissed as withdrawn. There shall be no order as to 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Transport Appellate Tribunal and others*, reported in (1987) 1 SCC 5, held that if a Writ Petition/Original Petition is withdrawn, the party in that Petition cannot file a fresh Petition on the same cause of action.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 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.

29.02.2024

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



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
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