



Rev.Apl.W(MD)No.166 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Apl.W.(MD)No.166 of 2024

in

W.P.(MD)No.16999 of 2024

and

W.M.P.(MD)Nos.17703 and 17705 of 2024

W.S.Milton Jeganathan

... Petitioner / Respondent No.5

Vs

1.Arthur Joseph Asirvatham,

... Respondent No.1 / Writ Petitioner

2.The Executive Magistrate-II/
The Tahsildar,
Madurai West, Madurai.

3.Rev.D.Jeyasingh Prince Prabhakaran,
Bishop, Church of South India,
Madurai - Ramnad Diocese,
Madurai.

4.Samuel Devaraj,
The Election Officer,
St. Georges Church,
Main Guard Square,
Madurai - 625 001.

5.R.Samuel
Chairman / Election Officer,
Pastorate Committee,
St. Georges Church, Madurai.



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6.The Branch Manager,
Tamil Nadu Mercantile Bank,
Simmakkal, Madurai.

7.Manuvel Jeyaraj,
Elected Member,
Pastorate Committee,
St. Georges Church,
Madurai.

8.A.P.Solomon Jeyakumar,
Elected Member,
Pastorate Committee,
St. Georges Church,
Madurai.

... Respondents 2 to 8/
Respondents 2 to 8

Prayer: Review Application is filed under Order XLVII, Rules 1 and 2 of the Civil Procedure Code r/w. Section 114 of Civil Procedure Code, to review the order dated 25.07.2024 made in WP(MD).No.16999 of 2024 and Writ Petition may be dismissed as not maintainable on the file of this Court.

For Petitioner : Mr.R.Maheshwaran

For Respondents : Mr.S.Vinoth
Government Advocate for R2.

: Mr.T.S.Mohammed Mohideen for R1.

: Ms.Jasima Yasmin,
For M/s.Ajmal Associates for R3.



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: Mr.A.N.Ramanathan
for R5

: Mr.Suresh Kumar
for R7

: No appearance
for R4

ORDER

One Dr.Arthur Joseph Asirvatham filed W.P.(MD) No.16999 of 2024 for directing the Chairman / Election Officer of the Pastorate Committee of St.George's Church, Madurai to allow the elected office bearers to discharge their duties.

2.When the matter was taken up 'for disposal', the learned counsel appearing for the 4th respondent made a submission that the 4th respondent will issue a letter permitting the writ petitioner to function as Secretary. Recording the said stand, the writ petition was disposed of. Subsequently, the 5th respondent in the writ petition, namely, Rev.Milton Jagannathan filed Rev.Aplc(MD)No.166 of 2024 for recalling the order dated 25.07.2024 on the ground that he was not heard, when the writ petition was disposed of. Finding merit in the said submission, the order dated 25.07.2024 disposing of W.P.(MD)No.16999 of 2024 was allowed



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and the writ petition was restored to file. Contending that the review application was allowed behind his back, the 4th respondent in the writ petition filed W.A.(MD)No.2046 of 2024. The Hon'ble Division Bench disposed of the writ appeal on 28.03.2025 in the following terms:-

"The writ appeal is directed against the order of the writ Court dated 18.09.2024 in Rev. Apl.W (MD) No.166 of 2024 in WP(MD). No. 16999/2024.

2. The only grievance of the appellant herein is that though he was a party to the above review petition, without hearing him, the order in the writ petition has been recalled by the writ Court. Hence, against the said recalling of the order and to hear him, the appellant is before this Court.

3. Without going into the merits or the contentions raised by the appellant and the respondents herein, all the parties including the appellant shall go before the writ Court and raise/canvass all the points.

4. With the above direction, the writ appeal stands disposed of."

Subsequently, the case was listed under the caption 'for being mentioned' and the following order was passed on 03.06.2025:-

" The case is listed under the caption for being mentioned.

2. In the Judgment, dated 28.03.2025, in the third paragraph 3rd line, the words "Writ Court" is submitted with the words " Review Court".

3. Registry is directed to carry out the above said modifications and issue fresh order copies to the parties."



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Pursuant to the aforesaid direction of the Hon'ble Division Bench, the review application came to be once again listed before me.

3. When the matter was taken up for hearing, the learned counsel appearing for the review applicant submitted that the review application may be dismissed as withdrawn. This was vehemently opposed by the learned counsel appearing for the 7th respondent in the writ petition. According to the learned counsel, the writ petition itself is before me for fresh disposal and that he may be allowed to canvas the matter on merits. In fact, the learned counsel took some time to take me through the factual aspects.

4. Entire confusion could have been avoided, if only the Hon'ble Division Bench had formally set aside the order dated 18.09.2024 allowing the Rev.Apl(MD)No.166 of 2024. But a careful reading of the order dated 28.03.2025 as well as the order dated 03.06.2025 would show that the Hon'ble Division bench was of the view that the writ appellant ought to have been heard before allowing the review application.



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5. This is evidenced by the fact that the expression “ Writ Court” was substituted with the word “Review Court”. In fact, I had not granted any relief to the writ petitioner at all when the writ petition was disposed of by me on 25.07.2024. I had merely recorded the stand taken by the respondents 2 and 4 in the writ petition and nothing beyond.

6. I am therefore more than satisfied that what is before me is only the review application. It is well settled that any litigant is entitled to abandon his cause. No Court can compel the litigant to pursue a cause of action. Of course, if liberty is granted to file a fresh case on the same cause of action, the opposite parties may have to say in the matter. The review applicant is not asking for any liberty. He merely seeks leave to withdraw the review application. The 7th respondent in the writ petition cannot have any say in the matter.

7. The Review Application is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed.

25.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To:

The Executive Magistrate-II/
The Tahsildar,
Madurai West, Madurai.



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G.R.SWAMINATHAN,J.

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