

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.12.2018

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.27751 of 2018

J.Gnanapushpam

..Petitioner

Vs

1. The Registrar,
City Civil Court,
Chennai 600 104.

2. The Inspector of Police,
Vigilance & Anti-Corruption,
City Special Unit-I,
Chennai 6.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to trace and return the petitioner Original Sale deed bearing document No.4099/1992, registered in the office of Sub-Registrar, Saidapet dated 20.03.1992 submitted in CrI.M.P. No.6539/1997 in Cr.No.3/Ac/97/MCII, on the file of Principal Sessions and Special Judge, Chennai within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr. A.Edwin Prabakar

For Respondents : Mr. P.Kempraj, for R1

Mr.E.Balamurugan
Special Government Pleader,
For R2

O R D E R

The prayer sought for in this Writ Petition is for the issuance of a Writ of Mandamus, to direct the first respondent to trace and return the petitioner's Original Sale deed bearing document No.4099/1992, registered in the office of Sub-

Registrar, Saidapet dated 20.03.1992 submitted in CrI.M.P. No.6539/1997 in Cr.No.3/Ac/97/MCII, on the file of Principal Sessions and Special Judge, Chennai

2. Heard Mr.A.Edwin Prabakar, learned counsel appearing for the petitioner, Mr.P.Kempuraj, learned counsel appearing for the 1st respondent and Mr.E.Balamurugan, learned Special Government Pleader appearing for the 2nd respondent.

3. The case of the petitioner is that the husband of the petitioner had a Criminal case registered against him, under Section 7 and 13(2) r/w 13(1) (d) of Prevention and Corruption Act, 1988 in Crime No.3/AC/97/MC-II. An enquiry was conducted and pursuant to the same, the Original Sale Deed bearing Document No.4099/1992, registered in the office of Sub-Registrar, Saidapet, dated 20.03.1992 was seized by the police and later, the same was marked as document submitted for surety for bail application in CrI.M.P.No.6539 of 1997 in C.C.No.3 of 1999. Later, on 27.09.2006, the husband of the petitioner was discharged and acquitted of all charges. There was no appeal filed by the respondent. Therefore, the second respondent was requested to return the above Original Sale Deed Document No.4099 of 1992.

4. The second respondent informed that the said document was sent to the Court on 08.09.1997 and the same was received by Bench Clerk of the then Principal Sessions and Special Judge, Chennai. The Criminal Miscellaneous Petition was also filed by the petitioner before the IV Additional Sessions Judge, Chennai, seeking to return the above said original Sale Deed. The said petition was returned by stating that the bundle was not traceable. Later, the petitioner has sent a representation to the first respondent, Principal Judge, City Civil Court, Chennai on 26.06.2018. The Office of the Principal Judge, City Civil Court, Chennai, has informed that the said Sale Deed was produced before the Court in CrI. M.P.No.6539/1997. Based on the above letter, a representation was sent to trace and return the above document. However, the same could not be traced. Aggrieved, the petitioner has come before this Court seeking a Writ of Mandamus.

5. The learned counsel appearing for the respondents had taken adjournment several times to search for the said document from the Lower Court. Despite best efforts taken by the respondents, they could not trace the document and they are willing to give a non traceable certificate.

6. The learned counsel appearing for the petitioner has submitted that the petitioner would be satisfied if non

traceable certificate is issued from the Lower Court stating that the Original Sale Deed was lost, when it was in the custody of the Court and the same is not traceable.

7. Accordingly, today the Certified copy of the document lost was produced by the respondent and an endorsement made by the Registrar is handed over to the counsel for the petitioner. The learned counsel for the petitioner has aslo acknowledged the receipt of the same.

8. The prayer in the Writ Petition is complied with. Accordingly, this writ petition stands disposed of. No costs.

jv

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Registrar,
City Civil Court,
Chennai 600 104.
2. The Inspector of Police,
Vigilance & Anti-Corruption,
City Special Unit-I,
Chennai 6.

+lcc to Mr.A.Edwin Prabakar, Advocate, S.R.No.85712
+lcc to Mr.M.Kempuraj, Advocate, S.R.No.85700
+lcc to The Govt.Pleader, vide, S.R.No.86250

सत्यमेव जयते

W.P.No.27751 of 2018

GJ-II(CO)
KAK(23/01/2019)

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