

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.19779 of 2019

S.Natarajan

... Petitioner

-Vs-

1.The Superintendent of Police,
Vellore District,
Vellore - 632 012.

2.The Inspector of Police,
District Crime Branch,
Vellore - 632 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the respondents to return the petitioner's original sale deed in document No.5010 of 1998, dated 21.08.1998 and handover the same to the petitioner based on the petitioner's representation dated 17.06.2019.

For Petitioners : M/s.P.Kannan Kumar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This writ petition has been filed seeking for a direction to the respondent police to return back the original sale deed belonging to the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the property in S.No.10/01 at Abdullapuram Village, Vellore District. He purchased his property by virtue of a sale deed dated 21.08.1998, registered as document No.5050 of 1998. The second respondent, by letter dated 04.07.2005, directed the petitioner to surrender his sale deed in connection with Crime No.25 of 2005. The petitioner also complied with the said direction.

3. The grievance of the petitioner is that even after 14

years, the original document has not been returned to the petitioner and therefore, the petitioner has approached this Court, seeking for appropriate directions.

4. The second respondent was present before this Court and a counter affidavit was also filed before this Court. In the counter affidavit, it is stated that the second respondent had collected the sale deed from the petitioner and from other persons, in order to verify the genuineness of the stamp paper that was used in the sale deed. The stamp papers were sent to Nasik and a report has also been obtained to the effect that the stamp papers are genuine. It is further stated in the counter affidavit that the other persons from whom the original sale deed was received by the second respondent, in the course of the investigation, have approached the Judicial Magistrate No.IV, Vellore and sought for return of the documents and they have all received back their documents. It is stated that the petitioner can also collect his documents by filing an appropriate petition before the concerned Magistrate Court.

5. Heard, the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent police.

6. It is brought to the notice of this Court that the petitioner has also moved a petition before the Judicial Magistrate No.IV, Vellore District, seeking for a return of the original sale deed dated 21.08.1998, registered as document No.5050 of 1998. Therefore, the petitioner can also get back his original document from the concerned Magistrate.

7. This Criminal Original Petition is disposed of with the direction to the Judicial Magistrate No.IV, Vellore, to return the original sale deed dated 21.08.1998, registered as document No.5050 of 1998 to the petitioner by passing appropriate orders in the application filed by the petitioner, seeking for return of document. No costs. सत्यमेव जयते

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Vellore District,
Vellore - 632 012.

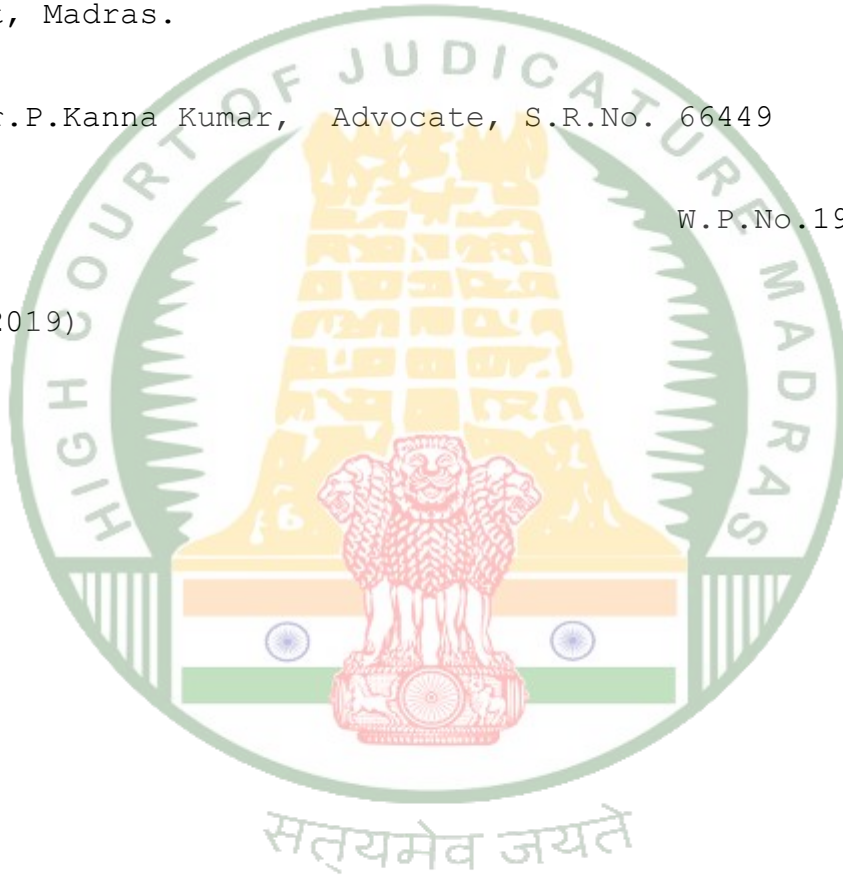
2.The Inspector of Police,
District Crime Branch,
Vellore - 632 001.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Kanna Kumar, Advocate, S.R.No. 66449

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BS (CO)
GN(05/08/2019)



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