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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.04.2022

DELIVERED ON : 29.04.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION NOS.4067, 7544, 7615, 2476,
2715, 3130, 3307, 2688, 7721 AND 8383 OF 2022

S.ARAVIND

... PETITIONER in CRL.O.P.No.4067 of 2022

B.UMAMAHESWARI

... PETITIONER in CRL.O.P.No.7544 of 2022

LAKSHMI

... PETITIONER in CRL.O.P.No.7615 of 2022

K.VIMAL

... PETITIONER in CRL.O.P.No.2476 of 2022

S.THIRUGNANASAMBANDHAM

... PETITIONER in CRL.O.P.No.2715 of 2022

R.DUR AISAMY

... PETITIONER in CRL.O.P.No.3130 of 2022

KANAGAM

... PETITIONER in CRL.O.P.No.3307 of 2022

D.MALAR VANNAN

... PETITIONER in CRL.O.P.No.2688 of 2022

KOWSALYA

... PETITIONER in CRL.O.P.No.7721 of 2022

K.SUGANYA

... PETITIONER in CRL.O.P.No.8383 of 2022

vs.

1. THE SUPERINTENDENT OF POLICE,
ERODE DISTRICT,
ERODE.



2. THE INSPECTOR OF POLICE,
KARUNGALPALAYAM POLICE STATION,
ERODE DISTRICT.

... RESPONDENTS 1 & 2 in CRL.O.P.No.4067 of 2022

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1. THE SUPERINTENDENT OF POLICE,
ERODE DISTRICT, ERODE.

2. THE INSPECTOR OF POLICE
ERODE TALUK POLICE STATION,
ERODE.

... RESPONDENTS 1 & 2 in CRL.O.P.No.7544 of 2022

THE INSPECTOR OF POLICE,
BURGUR POLICE STATION,
KRISHNAGIRI DISTRICT.

... SOLE RESPONDENT in CRL.O.P.No.7615 of 2022

1. THE COMMISSIONER OF POLICE,
NO.132, EVK SAMPATH ROAD,
VEPERY, PERIYAMET,
CHENNAI - 600 007.
2. THE INSPECTOR OF POLICE
M-2, POLICE STATION,
MADHAVARAM MILK COLONY,
CHENNAI - 600 051.
3. STATE CRIME RECORDS BUREAU
NO. 95, GREENWAYS ROAD, MRC NAGAR,
RAJA ANNAMALAIPURAM,
CHENNAI - 600 028.

... RESPONDENTS in CRL.O.P.No.2476 of 2022

1. THE SUPERINTENDENT OF POLICE,
ERODE DISTRICT, ERODE.
2. THE INSPECTOR OF POLICE,
TALUK POLICE STATION,
ERODE DISTRICT.

... RESPONDENTS in CRL.O.P.No.2715 of 2022

1. THE SUPERINTENDENT OF POLICE,
ERODE DISTRICT ERODE.



2. THE INSPECTOR OF POLICE
ARACHALUR POLICE STATION,
ARACHALUR POST, ERODE DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
V.VELLODU POLICE STATION,
V.VELLODU POST, PERUNDURAI TALUK,
ERODE DISTRICT.

... RESPONDENTS 1 to 3 in CRL.O.P.No.3130 of 2022

1. THE SUPERINTENDENT OF POLICE
NAMAKKAL DISTRICT, NAMAKKAL.

2. THE INSPECTOR OF POLICE
VENNANDUR POLICE STATION,
NAMAKKAL DISTRICT.

... RESPONDENTS 1 & 2 in CRL.O.P.No.3307 of 2022

1. THE SUPERINTENDENT OF POLICE,
ERODE DISTRICT, ERODE.

2. THE INSPECTOR OF POLICE,
ERODE SOUTH POLICE STATION,
ERODE DISTRICT.

... RESPONDENTS 1 & 2 in CRL.O.P.No.2688 of 2022

THE SUB INSPECTOR OF POLICE,
AANAIMALAI POLICE STATION,
COIMBATORE DISTRICT.

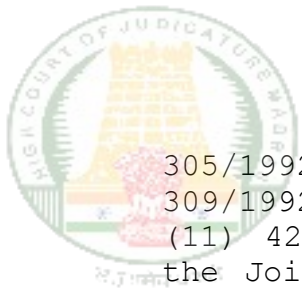
... SOLE RESPONDENT in CRL.O.P.No.7721 of 2022

THE INSPECTOR OF POLICE
B-1, THIRUVALLUR TOWN POLICE STATION,
THIRUVALLUR.

... SOLE RESPONDENT in CRL.O.P.No.8383 of 2022

Prayer in CRL.O.P.No.4067 of 2022:-

Criminal Original Petition filed under Section 482 Cr.P.C.
to direct the 2nd respondent police to issue Non Traceable
Certificate with regard to the 11 Documents Vide Document Nos.
(1) 2519/1984 dated 20.06.1984 (2) 123/1992 dated 14.02.1992
(3) 292/1992 dated 27.03.1992 (4) 299/1992 dated 27.03.1992
(5) 300/1992 dated 27.03.1992 (6) 304/1992 dated 27.03.1992 (7)



305/1992 dated 27.03.1992 (8) 306/1992 dated 27.03.1992 (9) 309/1992 dated 27.03.1992 (10) 312/1992 dated 27.03.1992 and (11) 424/1992 dated 31.03.1992 all registered in the office of the Joint II Sub Registrar, Erode District in pursuant to the complaint given to the respondent on 30.11.2021 and paper publication dated 2.2.2022 in the newspaper Malai Malar, Erode Edition.

Prayer in CRL.O.P.No.7544 of 2022:-

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to issue a "Non - Traceable Certificate" pertaining to the missing original sale deed in Document No.1311 of 1996 dated 17.05.1996.

Prayer in CRL.O.P.No.7615 of 2022:-

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to issue non traceable certificate to the Petitioner's representation dated 07.02.2022 relates to missing of her Original Sale deed vide document No.1914/2000 dated 11.12.2000.

Prayer in CRL.O.P.No.2476 of 2022:-

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd Respondent herein to register FIR based on the Online Complaint given by the Petitioner on 07.12.2021.

Prayer in CRL.O.P.No.2715 of 2022:-

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent police to issue Non Traceable Certificate with regard to the Sale Deed Document No.425/1981 dated 23.04.1981 registered in the Office of the Sub Registrar, Chennimalai, Erode District in pursuant to the paper publication dated 18.12.2021 in the newspaper Malai Malar, Erode Edition.

Prayer in CRL.O.P.No.3130 of 2022:-

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 3rd respondent police to issue Non Traceable Certificate with regard to the Document No.1375 of 1983 dated 21.11.1983 registered in the office of the Sub Registrar,



Perundurai, Erode District in pursuant to the paper publication dated 28.01.2022 in the news paper Malai Malar, Erode Edition.

Prayer in CRL.O.P.No.3307 of 2022:-

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to issue Non traceable certificate for the petitioner's missing document vide document No. 1676/2007 on the file of S.R.O. Mallasamudram, Namakkal District in pursuance of her online complaint dated 26.11.2021.

Prayer in CRL.O.P.No.2688 of 2022:-

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent police to issue Non traceable Certificate with regard to the sale deed Document No. 2986/1999 dated 26.08.1999 on the file of District Registrar, Erode in pursuant to the paper publication dated 25.11.2021 in the newspaper Malai Malar, Erode Edition.

Prayer in CRL.O.P.No.7721 of 2022:-

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to issue a non-traceable certificate for the petitioners missing sale deed document No.114/1979 registered on the file of the Sub registrar office, Anaimalai within a time frame as fixed by this Honourable Court by considering the petitioner's representation dated 28.02.2022.

Prayer in CRL.O.P.No.8383 of 2022:-

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to take appropriate action on the petitioner's complaint dated 24.11.2021 and issue non traceable certificate to enable the petitioner to obtain duplicate sale deed for document No.3433 of 1980 dated 14.11.1980 before the SRO Poonamallee by considering petitioner's complaint dated 24.11.2021.

For Petitioner in Crl.O.P.4067/2022 : Mr.C.S.Saravanan
For Petitioner in Crl.O.P.7544/2022 : Mr.M.Guruprasad
For Petitioner in Crl.O.P.7615/2022 : Mr.E.Kannadasan
For Petitioner in Crl.O.P.2476/2022 : Mr.W.Camyles Gandhi
For Petitioner in Crl.O.P.2715/2022 : Mr.C.S.Saravanan
For Petitioner in Crl.O.P.3130/2022 : Mr.C.S.Saravanan



For Petitioner in Crl.O.P.3307/2022 : Mr.M.Subashi
For Petitioner in Crl.O.P.2688/2022 : Mr.C.S.Saravanan
For Petitioner in Crl.O.P.7721/2022 : Mr.D.R.Arun Kumar
For Petitioner in Crl.O.P.8383/2022 : Mr.D.Balachandran

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For Respondents : Mr.A.Gokulakrishnan,
APP assisted by Ms.S.Ambika

COMMON ORDER

The relief sought for in all the above petitions is a direction to the respondent police to proceed with the complaint lodged by the petitioners and issue non-traceable certificate in respect of the title document of their property.

2. Though the petitioners have come up with different situation warranting them to file the petitions, the core claim of them is that they have lost their title deeds and thereupon, they lodged complaints with the police and now, they require non-traceable certificate from the police to enable them to proceed with applying for duplicate copy from the Sub Registrar concerned.

3. Heard the learned counsel appearing for the petitioners and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor and perused the materials available on record.

4. The grievance expressed by the learned counsel for the petitioners is that though they lodged complaints, they do not get any quick response from the Police Department.

5. During the course of his arguments, it was brought to the notice of this court by Mr.A.Gokulakrishnan, the learned Additional Public Prosecutor that though in some cases, the claim of the petitioners is genuine, in many a case, some misrepresentation is being made as if the document is lost whereas, the fact would have been otherwise viz., the document might have been given as security for some loan availed or in lieu of an oral or unregistered agreement to sell the property to any third party, but, after such understanding becomes strained, to thwart such beneficiaries and to have a hold over the property, the wrong doers come with a claim pleading innocence as if the document is lost and a non-traceable certificate is required to apply for a duplicate copy of the title deed.



6. In support of his contention, the learned Additional Public Prosecutor has brought to the notice of this court a few incidents having been dealt with by this court in the following cases:-

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- i) M.S.Manikavasagam vs. M.M.Ramesh (S.A.No.897 of 2019 dated 4.9.2019)
 - ii) K.Srinivasan and another vs. the State (Crl.O.P.No.13028 of 2021 dated 29.7.2021)
 - iii) Dr.S.Chandran vs. The Superintendent of Police & another (Crl.O.P.No.22177 of 2021 dated 26.11.2021)
 - iv) Duraisamy vs. The Superintendent of Police & another (Crl.O.P.No.22737 of 2021 dated 7.12.2021)
 - v) K.Chandrasekar vs. State and others (Crl.O.P.(MD) No.1300 of 2021 dated 27.4.2021)

7. Referring to the above orders, the learned Additional Public Prosecutor would submit that in such cases, this court had occasion to give some directions and the claim of the petitioners considering the risk of the property being encumbered against the interest of any individual or institution who might have some lien over the property.

8. As rightly pointed out by the learned Additional Public Prosecutor, there is, certainly, a risk involved in dealing with such claims. It is true that the genuine persons, who had approached the Police Department and the Courts to exhaust their legal remedy, should not be subjected to unnecessary ordeal, however, such a claim cannot be entertained behind the back of another genuine person, with lien over the property, who might have not even know about the claim of non traceable certificate.

9. Considering the facts and circumstances, this court had given some suggestions and direction to the learned Additional Public Prosecutor to come out with some guidelines to be followed uniformly throughout the State while dealing with such claims. Thereupon, the learned Additional Public Prosecutor, making some earnest efforts, has come up with a Circular issued by the Director General of Police in Rc.No.2029209/General.1(1)/2022 dated 1.4.2022.

10. Relevant portion of the same is extracted hereunder for ready reference:-

"The following procedure should be adopted with regard to issuance of Non traceable certificate on receipt of petition relating to the loss of original land documents.



1. Petition should be preferred only by the legal owner or his power of attorney of the property.
2. The petitioner should furnish the following documents along with the petition:-

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i. 2 Certified copies of the documents which is alleged to have been lost (obtained within a month prior to the presentation of the petition at the Police Station from the concerned Sub Registrar Office)

ii. Recent photograph of the petitioner or that of his power of attorney.

iii. Copy of Aadhar Card or Voter ID or Passport (No other Identity proof will be accepted.)

iv. News paper advertisements in original as mentioned in para 6.

v. Undertakings mentioned in paras 7 and 8.

3. In case of death of the legal owner of the property, his or her legal heir should present the petition along with the following documents:-

a) Death Certificate pertaining to the death of the legal owner issued by the competent Local body/ Municipality / Corporation authorities.

b) Legal Heir Certificate issued by the designated Revenue Authority to establish that the petitioner is the legal heir of the owner of the property.

4. In case of multiple legal heirs, No objection certificate obtained from other legal heirs other than the petitioner should be enclosed.

5. Encumbrance certificate (Digital or Manual) for the above property for the last 20 years or from the date of registration of missing document, whichever is longer and it should be obtained from the concerned sub-Registrar Office only.

6. Original of the public advertisement given one in leading English and one in leading vernacular newspaper should be enclosed. The advertisement should have been published within 30 days prior to the presentation of the petition (format pertaining to the



publication of public advertisement in the newspaper in English and vernacular as follows)

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Original Land / Property Document Lost

I (Aadhar Card/Voter ID/Passport No.) S/o / D/o aged about years, residing at, do hereby inform to the General Public that I have lost the original land document pertaining to my / our property registered in document No, dated registered at Sub Registrar Office If anyone finds the said document, please contact me over phone no (... ..) or at the following residential address.(.....)

.... (Tamil version of the above text)

7. The petitioner should submit an undertaking alongwith the petition that no civil dispute or mortgage pertaining to the property document alleged to have been lost, is pending before any Court or Financial Institution.

8. The petitioner should also submit an undertaking along with the petition that if he/she furnishes any false information with regard to the property' whose document is alleged to have been lost, the petitioner or whoever abets the offence shall be liable for criminal prosecution under appropriate legal provisions. The petitioner should also furnish an undertaking that he/she shall handover the missing document if it is traced later. In that case, the station House Officer should intimate about the tracing of the document to the concerned Sub Registrar Office.

9. On receipt of the petition, the Station House officer (SHO) shall issue a CSR to the petitioner immediately.

10. The CSR should be issued only by the Station House Officer (SHO) and not by any other personnel in the Police Station.

11. If any shortfall in production of documents is noticed, (Documents mentioned in para-2) the station House officer (SHO) should intimate the same to the



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concerned petitioner in writing instructing him to produce the concerned documents within a week time.

12. Within three days from the receipt of documents in full and issuance of CSR, the station House officer (SHO) after personally satisfying himself, should send a letter addressed to the Deputy superintendent of Police / Assistant commissioner of Police of the DCRB/ CCRB informing about the loss of document along with the following Certificate:

"Certificate"

"Certified that I have verified all the documents enclosed as mandated in the Chief Office circular memorandum in Rc. No20292091Gen.1 (1)12022, dated: 01.04.2022".

13. The DSP's / ACP's of DCRB / CCRB on receipt of papers shall publish the matter in Crime and Occurrence Sheet within a week from the date of receipt of the letter from the Station House Officers.

14. The publication in the Crime and Occurrence Sheet shall be sent to the concerned Station House Officers within three days from the date of such publication.

15. In the meantime, necessary action should be taken by the SHO to trace out the said original land documents. Enquiry should be conducted to find out whether the owners or the complainant had encumbered the land documents and by approaching the concerned S.R. for verification. (The purpose of compelling original document is to avoid double documentation.)

16. On receipt of copy of the crime and occurrence sheet publication and if unable to trace out the said documents, the Station House Officers shall issue Non-traceable Certificate to the petitioner.

17. Henceforth, Non-traceable certificate with regard to loss of original land documents shall be issued only by the Station House Officer after adhering to the above procedure and the certificate should be issued to the petitioner after obtaining due acknowledgement and a copy of the same shall be sent to the concerned Sub Registrar Office. (Format of Not Traceable Certificate is enclosed in Annexure).



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18. The commissioners of Police in cities and Superintendents of Police in Districts are requested to issue suitable instructions to the station House officers to adhere to the above procedure without any deviation. In case of any deviation in this regard, action shall be taken against the concerned police personnel.

19. The above circular shall be posted on the State Police Website and CCTNS Citizen Portal and also pasted in the 'Notice Board' of all Police Stations.

Encl: Annexure.

Sd/-Dr.C.Sylendra Babu
Director General of Police/
Head of Police Force,
Tamil Nadu.

11. Having gone through the above Circular issued by the Director General of Police, this court is of the view that it being a self-explanatory one, it is suffice if the petitioners are directed to comply with the requirements therein and thereupon, the respondent police shall proceed in accordance with law. The Criminal Original Petitions are disposed of accordingly.

12. Before parting with, this court intends to place on record its appreciation for the sincere and timely efforts taken by Mr.A.Gokulakrishnan, the learned Additional Public Prosecutor and Mr.P.Meganathan, learned Government Advocate (Criminal Side) in this matter.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. THE SUPERINTENDENT OF POLICE,
ERODE DISTRICT, ERODE.
2. THE INSPECTOR OF POLICE
ERODE TALUK POLICE STATION, ERODE.
3. THE INSPECTOR OF POLICE,
BURGUR POLICE STATION, KRISHNAGIRI DISTRICT.



4. THE COMMISSIONER OF POLICE,
NO.132, EVK SAMPATH ROAD,
VEPERY, PERIYAMET, CHENNAI - 600 007.
5. THE CRIME RECORDS BUREAU
NO. 95 GREENWAYS ROAD, MRC NAGAR,
RAJA ANNAMALAIPURAM, CHENNAI - 600 028.
6. THE INSPECTOR OF POLICE
M-2, POLICE STATION,
MADHAVARAM MILK COLONY, CHENNAI - 600 051.
7. THE INSPECTOR OF POLICE
ARACHALUR POLICE STATION,
ARACHALUR POST, ERODE DISTRICT.
8. THE SUB INSPECTOR OF POLICE,
V.VELLODU POLICE STATION,
V.VELLODU POST PERUNDURAI TALUK, ERODE DISTRICT.
9. THE SUPERINTENDENT OF POLICE
NAMAKKAL DISTRICT, NAMAKKAL.
10. THE INSPECTOR OF POLICE
VENNANDUR POLICE STATION, NAMAKKAL DISTRICT.
11. THE INSPECTOR OF POLICE,
ERODE SOUTH POLICE STATION, ERODE DISTRICT.
12. THE SUB INSPECTOR OF POLICE
AANAIMALAI POLICE STATION, COIMBATORE DISTRICT.
13. THE INSPECTOR OF POLICE
B-1, THIRUVALLUR TOWN POLICE STATION,
THIRUVALLUR.
14. THE INSPECTOR OF POLICE,
KARUNGALPALAYAM POLICE STATION, ERODE DISTRICT.
15. THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS - 104.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.30797 (14/06/2022)

+1cc to M/s.D.R.Arun Kumar, Advocate, S.R.No.30748 (14/06/2022)

CrI.O.P.Nos.4067, 7544, 7615,
2476, 2715, 3130, 3307, 2688,
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RR(CO)

RLP(26/05/2022)