

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. No.16111 of 2022

R.Muthuvelu

..Petitioner

Versus

1. The Superintendent of Police
Krishnagiri District - 635 001
2. The Inspector of Police,
Town Police Station
Hosur, Krishnagiri District - 635 001
3. Anand
4. Ravi

..Respondents

PRAYER: Petition filed Article 226 of the Constitution of India seeking for issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 30.03.2022 and to cancel the Non-Traceable Certificate dated 06.02.2021 issued to the 3rd and 4th respondents regarding the Partition deed dated 05.10.1995 registered as document Nos.5740 of 1995 in the office of Sub Registrar, Hosur, as it has obtained by making false representation.

For Petitioner : Mr.P.Sesubalan Raja

For Respondent : Mr.A.Gokula Krishnan for R1 & R2
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed to direct the respondents 1 and 2 to consider the petitioner's representation dated 30.03.2022 and to cancel the Non-Traceable Certificate dated 06.02.2021 issued to the 3rd and 4th respondents regarding the Partition deed dated 05.10.1995 registered as document Nos.5740 of 1995 in the office of Sub Registrar, Hosur, as the same has been obtained by making false representation.

2.The learned counsel appearing for the petitioner submits

that the pursuant to the remittance of the agreed sale consideration to the third and fourth respondent, they had handed over the the original partition deed in Doc.No.5740/1995 to the petitioner. Further, the respondents 3 and 4 had obtained a Non Traceable Certificate dated 06.02.2021 from the respondent police under the premise that the said document viz., original partition deed has been lost. Therefore, he approached the respondent police and produced the original partition deed which was handed over to him and sought for cancellation of the the said certificate in dispute. Further, he had given a representation dated 30.03.2022 to the respondents 1 and 2 seeking to consider the representation for cancelling the certificate which is still pending on their file without any consideration.

3.The learned Additional Public Prosecutor would submit that the Non Traceable Certificate said to have been issued by the Inspector of Police, Hosur Town Police Station on 06.02.2021, itself is a forged and fabricated one. The then Inspector of Police has not issued such a certificate. Therefore, question of cancelling the certificate does not arise.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials placed on record.

5.Considering the submissions of the learned Additional Public Prosecutor, this Court is of the view that when the respondent police is of the stern view that the very Non Traceable Certificate is a forged one, it is for the respondent police to take appropriate legal action and proceed against the perpetrators in accordance with law by registering an FIR.

6.With the above observation, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dhk

To

1. The Superintendent of Police
Krishnagiri District - 635 001

2. The Inspector of Police,
Town Police Station
Hosur
Krishnagiri District - 635 001

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.P.Sesubalan Raja, Advocate, S.R.No.40833

W.P.No.16111 of 2022

SSI(CO)
RGA(12/07/2022)