



WEB COPY



W.P.No.31085 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

W.P.No.31085 of 2022

Mrs.Sujata Rajivkrishnan

... Petitioner

Vs.

1.The Director General of Police,
No.601, Dr.Radhakrishnan Salai,
Mylapore,
Chennai-4.

2.The Inspector of Police,
Peravallur Police Station,
Pulianthope,
Chennai – 12.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent not to insist upon “No Objection Certificate” as per Clause 4 of Circular dated 01.04.2022 *vide* Rc.No.2029209/General.1 (1)/2022, from the legal heirs in the partition deed dated 28.01.1976, bearing No.55/1976 and consequently, direct the second respondent to issue 'Non-Traceable Certificate' in favour of the petitioner herein.

For Petitioner : Mr.Meiyappan Mohan

For Respondents : Mr.S.Santhosh,
Govt. Advocate (Crl.Side)



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ORDER

This Writ Petition has been filed to direct the second respondent not to insist upon “No Objection Certificate” as per Clause 4 of Circular dated 01.04.2022 *vide* Rc.No.2029209/General.1 (1)/2022, from the legal heirs in the partition deed dated 28.01.1976, bearing No.55/1976 and consequently, direct the second respondent to issue 'Non-Traceable Certificate' in favour of the petitioner herein.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner has given a complaint by stating that the parent deed of the subject property which is a partition deed dated 28.01.1976 bearing Document No.55/1976 has been missing; for the purpose of issuing Non Traceable Certificate, the first respondent has given a circular dated 01.04.2022, wherein, certain documents are listed and the petitioner is required to produce the same; the grievance of the petitioner is that she is not able to secure some of the documents which have been mentioned in the circular due to its non-availability and further the



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petitioner is not in contact with the other legal heirs and hence it is not possible

for her to comply the Clause 4 of the said circular.

4. The learned counsel for the petitioner also submitted that by virtue of a partition deed dated 28.01.1976, the father of the petitioner has been allotted with the property under A Schedule and after the demise of her father, the petitioner and her sister are enjoying the possession of the said property; however, it is insisted by the first respondent that the petitioner should produce the No Objection Certificate from other legal heirs who are also the parties to the partition deed and for whom some other properties have been allotted in the partition.

5. The learned Government Advocate (Crl.Side) submitted that the petitioner may be directed to give an undertaking by stating that her claim or necessity for getting the Non Traceable Certificate relates only to the share of the petitioner's father for whom the 'A' Schedule property has been allotted.

6. Whatever may be the case, the petitioner can send a written explanation by stating why she is not able to contact and produce the No Objection Certificate of other legal heirs for consideration of the first



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respondent. The petitioner is at liberty to produce the documents available with her and also to give explanation about her failure to comply with Clause 4 and the same shall be considered by the respondents and appropriate orders shall be passed in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

7. With the above observations, this Writ Petition is disposed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

22.11.2022



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To

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1. The Director General of Police,
No.601, Dr.Radhakrishnan Salai,
Mylapore,
Chennai-4.

2. The Inspector of Police,
Peravallur Police Station,
Pulianthope,
Chennai – 12.

3. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.

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