



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.14848 of 2020

and

WMP(MD)No.12508 of 2020

WEB COPY

Krishnaveni

... Petitioner

vs.

1.The Commissioner of Police,
O/o. Commissioner of Police,
Madurai City,
Madurai District.

2.The Inspector of Police,
Theppakulam Police Station,
Madurai City,
Madurai District.

3.The Sub Registrar,
O/o. Registrar Office,
Chokkikulam,
Y.Othakadai,
Madurai District.

4.Karuppasamy

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned Missing Certificate issued by the 2nd respondent to the 4th respondent on 17.03.2020 based on the CSR.No.93 of 2020 dated 09.02.2020 and quash the same as illegal, and consequently take legal action against the 4th respondent based on the petitioner's representation on 21.09.2020 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthil Kumar

For R1 to R3 : Mr.T.Senthil Kumar

Additional Public Prosecutor

For R4 : Mr.A.L.Kannan

ORDER

This writ petition has been filed to set aside the Missing Certificate issued by the respondent Police to the effect that the original document No.27/1976 of one A.Karuppusamy is found missing and despite best efforts, the same could not be traced.



2. The writ petitioner's grievance appears to be that taking note of such certificate, her share also subjected to the encumbrance by the said A.Karuppusamy. Therefore, she submits that the Missing Certificate issued by the Police is liable to be set aside.

3. Heard both sides.

4. This Court is at a loss to understand how the petitioner could seek such a relief to establish her right over the immovable property. Her grievance appears to be that her share also sold by the said A.Karuppusamy. That being the case, the remedy lies elsewhere and not before this Court. If at all the petitioner has any share or right over the immovable property as claimed, it is for her to file appropriate suit to get her share.

5. The learned counsel for the 4th respondent submitted that the suit filed by the 4th respondent against the petitioner in O.S.No.386/2004 on the file of the learned District Munsif, Melur, for declaration and permanent injunction, was decreed on 01.09.2018 and the appeal filed against in A.S.No.153 of 2018 was dismissed as not pressed.

6. The learned counsel appearing for the petitioner submits that an interim application has been filed to restore the appeal.

7. Be that as it may, the petitioner indirectly vindicates her right by way of this writ petition which is not permissible. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

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/ /2022

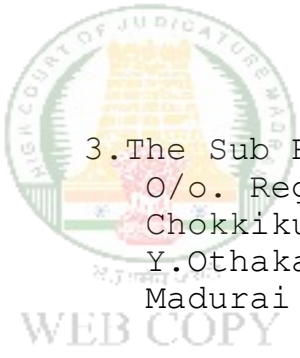
Sub Assistant Registrar(CS)

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To

1.The Commissioner of Police,
O/o. Commissioner of Police,
Madurai City, Madurai District.

2.The Inspector of Police,
Theppakulam Police Station,
Madurai City, Madurai District.



3.The Sub Registrar,
O/o. Registrar Office,
Chokkikulam,
Y.Othakadai,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.AL.KANNAN, Advocate (SR-9654[F] dated 03/03/2022)

ORDER MADE IN
W.P(MD)No.14848 of 2020
DATED : 02.03.2022

IMS (CO)
TR(17.03.2022) 3P 6C