



W.P.No.12324 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No.12324 of 2023 and
W.M.P.No.12163 of 2023

Palaniyammal

... Petitioner

Vs.

1.The District Superintendent of Police,
Salem District,
Salem.

2.The Inspector of Police,
Deevattipatti Police Station,
Salem District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, to call for the records pertaining to the impugned order dated 30.03.2023 passed by the 2nd respondent and quash the same and subsequently direct the 2nd respondent to issue Non-Traceable Certificate of petitioner's original gift deed bearing Document Number 1596 of 1967 on the file of SRO, Omalur, Salem District.

For Petitioner

: M/s.C.Deepak Kumar



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

ORDER

The Writ Petition has been filed to call for the records pertaining to the impugned order dated 30.03.2023 passed by the 2nd respondent and quash the same and subsequently direct the 2nd respondent to issue Non-Traceable Certificate of petitioner's original gift deed bearing Document Number 1596 of 1967 on the file of SRO, Omalur, Salem District.

2.The learned counsel for the petitioner submitted that petitioner gave a complaint to the respondent Police for tracing of her document. However, the respondent Police dropped further action on her complaint. Challenging the order, this petition is filed.

3.The learned Government Advocate (Criminal side) submitted that petitioner had given a contradictory statement as to the place where she said to have lost the document. She has also not given complaint immediately. Therefore, further action was dropped on her complaint.

4.Considered the rival submission and perused the records.



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5. It is seen from the impugned order that petitioner gave a contradictory statement as to the place of missing her document. In the petition sent to Superintendent of Police, she alleged that she lost the document while going to Nainakadu. In the complaint, she stated that she lost the document near Deevatipatti Police Station on 23.03.2023. Apart from this material contradiction, it is found that petitioner has not given complaint to the respondent Police immediately. Police men of Deevatipatti Police posted on duty at Deevatipatti Police Station. It appears that petitioner had not informed the Police on duty at Deevatipatti Police Station with regard to missing of documents. For these reasons, complaint was closed as further action dropped. This Court also finds that reasons given by the respondent for dropping further action on the basis of complaint of the petitioner is just and appropriate. This Court has come across instances where, parties are misusing Article 226 of the Constitution and filing petitions seeking direction for issuance of Non-Traceable certificate. Later it was found that the documents said to have been lost are available and misused for different purposes, like execution of sale deed, mortgage and creating other encumbrances. Thus, this Court finds no merits in this



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petition.

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6. Accordingly, this Writ Petition is dismissed. No costs.

Consequently connected miscellaneous petition is closed.

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Index : Yes/No

Internet: Yes/No



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To

- 1.The District Superintendent of Police,
Salem District,
Salem.
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Deevattipatti Police Station,
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G.CHANDRASEKHARAN, J.

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