



Writ Petition No.20407 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.20407 of 2023

Shanmugasundaram,
S/o.Muthanchettiyar.

...Petitioner

Vs

The Sub-Inspector of Police,
Somangalam Police Station,
Kanchipuram District - 602 109.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the Respondent to consider the representation dated 17.05.2022 and to revoke and cancel the Non-Traceable Certificate dated 26.11.2021 issued by him to the impersonator and consequently take action against the impersonator for the fraudulent actions committed by him.

For Petitioner : Mr.A.Ashwin Kumar

For Respondent : Mr.A.Damodaran,

Additional Public Prosecutor



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ORDER

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This writ petition has been filed for a direction to the respondent police to cancel the non-traceable certificate dated 26.11.2021 and to take action in accordance with law.

2. The grievance of the petitioner is that he is the owner of the subject property by virtue of a registered sale deed dated 28.05.1990, registered as document No.474 of 1990. When the petitioner is the owner, some one had impersonated the petitioner and had given a complaint before the respondent police for issuance of non-traceable certificate as if the original documents pertaining to the subject property went missing. The respondent police acted upon the complaint and issued a non-traceable certificate dated 26.11.2021. Based on the same, the impersonator proceeded further to create documents.

3. The petitioner on coming to know of the same,



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filed an application before the District Registrar to cancel the sale deeds created by the impersonator. The petitioner also gave a separate complaint before the Superintendent of Police, Thiruppur, and the investigation is pending in Crime No.13 of 2022.

4. According to the petitioner, the impersonator had proceeded to create / fabricate documents only based on the non-traceable certificate issued by the respondent. Therefore, the petitioner has sought for the cancellation of the non-traceable certificate issued by the respondent.

5. In the considered view of this Court, the respondent police has to necessarily act upon the request made by the petitioner. If the petitioner is the original owner of the property, some one impersonating the petitioner cannot seek for a non-traceable certificate and take advantage of the same and create further documents. In view of the same, the petitioner is now being made to run from pillar to post to get the documents



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created by the impersonator cancelled. If the very source i.e, the non traceable certificate is cancelled, all the other subsequent developments will fall in line. In view of the above discussion, there shall be a direction to the respondent to act upon the representation made by the petitioner on 17.05.2022 and conduct an enquiry and if it is found that the non-traceable certificate has been given to an impersonator, the same shall be cancelled and further action shall be taken by the respondent police against the impersonator in accordance with law. This process shall be completed by the respondent within a period of four weeks from the date of receipt of a copy of this order.

6. This writ petition is disposed of in the above terms. No costs.

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Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
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To

1. The Sub-Inspector of Police,
Somangalam Police Station,
Kanchipuram District - 602 109.

2. The Public Prosecutor,
High Court, Madras



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N.ANAND VENKATESH, J

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