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W.P.No.26333 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.26333 of 2023
and W.M.P.No.25743 of 2023

Pon. Raja

..Petitioner

Versus

1. Director General of Police,
No.4, Dumas Street,
White Town,
Puducherry - 605 001.
2. The Additional Director General of Police,
Additional Director General of Police Office,
Beach Road, Pudhucherry - 605 001.
3. The Senior Superintendent of Police (L&O),
Goubert Ave, White Town,
Puducherry - 605 001.
4. The Superintendent of Police (East),
Superintendent of Police Office,
Jawaharlal Nehru Street,
Pudhucherry - 605 007.
5. The Inspector of Police,
B-2 Kalapet Police Station,
Kalapet,
Puducherry - 605 014.



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6. The Station House Officer,
Kalapet Police Station,
Kalapet,
Puducherry - 605 014.

7. The Vigilance and Anti-Corruption Unit,
271, Ezhai Mariamman Temple,
Mahatma Gandhi Road,
Puducherry - 605 003.

8. The Sub-Registrar,
Sub-Registrar office,
Near Cooperative Bank,
Mailam Road,
Vanur,
Villupuram - 605 109.

9. A.Manickavel

10. Selvam

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Non Traceable Certificate, dated 20.06.2023 issued by the sixth respondent herein in favour of the tenth respondent and quash the same and consequently, direct the respondent 1 to 5 to take action against the ninth and tenth respondent.

For Petitioner : Mr.Abudu Kumar Rajarathinam,
Senior Counsel,
for Mr.D.Alexis Sudhakar

For Respondents : Mr.V.Ramachandramurthy,
Additional Public Prosecutor
(Puducherry), for RR-1 to 7



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: Mr.A.Gopinath,
Government Advocate (Crl. Side) ,
for R8

ORDER

When this Writ Petition came up for hearing on 08.09.2023, this
Court passed the following order:-

" *Mr.M.V.Ramachandramurthy, learned Additional Public Prosecutor (Puducherry), takes notice for respondents 1 to 7.*

2. Mr.A.Damodaran, learned Additional Public Prosecutor, takes notice on behalf of eighth respondent.

3. Notice to respondents 9 and 10 returnable by 22.09.2023. Private notice is also permitted.

4. This Court had already passed an order on 14.08.2023 in W.P.No.23665 of 2023 directing the sixth respondent to reverse the entry that was made on 20.06.2023 within a period of four weeks. This entry pertained to a non-traceable certificate, which is said to have been issued to the private respondent. The petitioner was aggrieved by the issuance of this non-traceable certificate on the ground that he is in possession of the original document and there is no question of issuing any non-traceable certificate to the private respondents, who have absolutely no right over such property. It is now brought to the notice of this Court that in spite of



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the earlier order passed by this Court, the private respondents are using the non-traceable certificate issued by the sixth respondent and are dealing with the property. In view of the same, there shall be a direction to the eighth respondent not to register any document pertaining to the property situated at Kottakuppam Village, Survey No.323/18, 323/19, 323/20, 323/21, 324/1, 324/2, 324/3, 324/4 admeasuring to a total extent of 2.77½ Acres (Two Acres and seventy-seven half cent only) until further orders.

5. The sixth respondent is directed to file a status report before this Court. Learned Additional Public Prosecutor shall also instruct the eighth respondent regarding the interim order passed by this Court. Learned counsel for petitioner shall also serve the papers on the learned Additional Public Prosecutor appearing on behalf of eighth respondent.

Post this case under the caption 'for passing further orders' on 22.09.2023."

2. When the matter is taken up for hearing today, the attention of this Court is drawn to the order passed in W.P.No.25723 of 2023, dated 05.09.2023. On carefully going through the same, it is seen that substantial dispute is now pending in this Writ Petition.



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3. When this Court passed the interim order on 08.09.2023, this Court was not aware of the connected Writ Petition that is pending in W.P.No.25723 of 2023. Hence this Court was under the impression that the registration was happening pursuant to the Non-Traceable Certificate issued by the respondent Police. In view of the same, an interim order was passed by this Court directing the Sub-Registrar not to register any document pertaining to the property.

4. The learned Senior Counsel appearing on behalf of the petitioner submitted that even they were not aware of the pendency of the Writ Petition in W.P.No.25723 of 2023 till they were impleaded by the Court by an order, dated 05.09.2023. It is seen that the learned Single Judge passed an interim order in W.P.No.23665 of 2023 on 31.08.2023 directing the Sub-Registrar to register the document and that is the reason why the Sub-Registrar had entertained the document. In view of this clarity, the interim direction issued by this Court has to be withdrawn.

5. This Writ Petition confines itself to the Non-Traceable Certificate that is being given by the Kalapet Police Station for a mere asking. That in



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turn is causing a lot of confusion. Therefore, there shall be a direction to the sixth respondent namely, the Station House Officer of Kalapet Police Station, not to issue any Non-traceable Certificate with respect to the subject property involved in this case. The rival claims that are made by the respective parties shall be decided in the pending Writ Petition in W.P.No.25723 of 2023.

6. This Writ Petition is disposed off in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

22.09.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

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N.ANAND VENKATESH, J.

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