



CrI.O.P.No.25372 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.25372 of 2022

G.Karthikeyan

... Petitioner

Vs.

The Inspector of Police – Crime,
T-14, Mangadu Police Station,
Mangadu, Chennai – 600 122.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the complaint of the petitioner, dated 25.06.2022 and investigate the case in accordance with law.

For Petitioner	:	Mr.J.Arun Prasad
For Respondent	:	Mr.A.Gokulakrishnan Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent to register the complaint of the petitioner, dated 25.06.2022.

2.The gist of the complaint is that the petitioner is the owner of the plot No.85, old survey No.482/2A/2A6 in Addison Nagar, Mangadu and



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he is also constructing house in the said property. On 24.06.2022, at about 12.00 noon, the petitioner was travelling in a bus route No.66 from Kundrathur to Mangadu. After alighting from bus, the petitioner realized that his handbag found missing, in which, he had original parent document to the said property document No.1284 of 1996, patta No.448 and document, dated 12.03.1996 with regard to plot No.85 and patta No.482/8.

3.Learned counsel for the petitioner submitted that since all the missing documents are original, the petitioner immediately approached the respondent Police and informed about missing of documents during travel in the bus. The petitioner was advised to produce photostat copy of missing documents along with encumbrance certificate and proof of petitioner present in Mangadu at relevant point of time, Sworn Affidavit, public notice and paper publication. The petitioner issued public notice, caused paper publication, collected certified copies of documents and submitted all photostat documents to the respondent Police, who on receipt of the same, failed to act on it. Whenever petitioner approached the respondent Police, he was given one reason or other and no action



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taken sofar. He further submitted that the petitioner on 18.08.2022 sent a complaint through registered post along with these documents to respondent Police, who received the same, but no action taken. Due to non-availability of documents, petitioner is unable to construct house further, unable to get electricity, water and sewage connections and other mandatory services and license from the authorities. Though the respondent Police was informed about the same, they failed to respond and informed that they have to follow the guidelines of the Director General of Police before issuing Non Traceable Certificate for the missing original documents. Having no other option, now, the petitioner approached this Court by way of the above petition.

4.Learned Additional Public Prosecutor appearing for the respondent Police filed status report and submitted that a day prior to the complaint, dated 25.06.2022, the petitioner came to the respondent Police Station in person, informed three places where he might have lost his documents (i)State Bank of India, Iyyappanthangal (ii)In the bus route No.66 (iii)Balaji Bhavan, Mangadu. The petitioner was asked to ascertain the exact place of missing the original documents and thereafter,



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lodge the complaint. On 25.06.2022, the petitioner lodged the complaint as though the document was found missing after he alighting from the bus, hence, he was advised to produce the certified copies of the documents with encumbrance certificate. The Director General of Police, Head of Police Force, Chennai in R.C.No.2029209/General.1(1)/2022, dated 01.04.2022 issued certain guidelines in issuing Non-Traceable Certificate in respect of the missing documents. Since the petitioner failed to produce relevant documents as per the circular of the Director General of Police, the FIR could not be registered for missing of documents and to issue Non Traceable Certificate. From the status report, the petitioner's complaint through registered post on 18.08.2022 receipt is acknowledged. If the petitioner produces the available certified copy of missing documents and explains the exact place where he misplaced his handbag along with the missing documents, the complaint can be acknowledged and action will be taken in accordance with law. The circular of the Director General of Police to be scrupulously followed for the reason there are instances of persons, who pledge property originals with the bank or private financiers, later make a complaint original are found missing and Non Traceable certificates are obtained,



later encumbrance created leading to legal entanglement. For this reason, this procedure has been put in place.

5.This Court considered the rival submissions and perused the materials available on record.

6.A scanned reproduction of Circular issued by the Director General of Police, Head of Police Force, Chennai, dated 01.04.2022 and documents required to issue Non Traceable Certificate, are as follows:-



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Re.No.2029209/General.1 (1)/2022

Office of the
Director General of Police /
Head of Police Force,
Tamil Nadu, Chennai-4.
Dated:01.04.2022

Circular Memorandum

Sub: Police – Issuance of Non Traceable Certificate in respect of Missing original land documents – Instructions issued – Regarding.
Ref: Criminal original Petition No. 3307/2022 on the file of Hon'ble High Court, Madras.

The following procedure should be adopted with regard to issuance of Non-traceable Certificate on receipt of petition relating to the loss of original land documents.

1. Petition should be preferred only by the legal owner or his power of attorney of the property.
2. The petitioner should furnish the following documents along with the petition:-
 - i. 2 Certified copies of the document/s which is alleged to have been lost (obtained within a month prior to the presentation of the petition at the Police Station from the concerned Sub Registrar Office)
 - ii. Recent photograph of the petitioner or that of his power of attorney.
 - iii. Copy of Aadhar Card or Voter ID or Passport (No other Identity proof will be accepted.)
 - iv. News paper advertisements in original as mentioned in para 6.
 - v. Undertakings mentioned in paras 7 and 8.
3. In case of death of the legal owner of the property, his or her legal heir should present the petition along with the following documents:-
 - a) Death Certificate pertaining to the death of the legal owner issued by the competent Local body/ Municipality / Corporation authorities
 - b) Legal Heir Certificate issued by the designated Revenue Authority to establish that the petitioner is the legal heir of the owner of the property.



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4. In case of multiple legal heirs, No Objection Certificate obtained from other legal heirs other than the petitioner should be enclosed.
5. Encumbrance certificate (Digital or Manual) for the above property for the last 20 years or from the date of registration of missing document, whichever is longer and it should be obtained from the concerned Sub-Registrar Office only.
6. Original of the public advertisement given one in leading English and one in leading vernacular newspaper should be enclosed. The advertisement should have been published within 30 days prior to the presentation of the petition (format pertaining to the publication of public advertisement in the newspaper in English and vernacular as follows)

Original Land / Property Document Lost

I(Aadhar Card/Voter ID/ Passport No) S/o / D/o, aged about years, residing at, do hereby inform to the General Public that I have lost the original land document pertaining to my / our property registered in document No, dated registered at Sub Registrar Office, If anyone finds the said document, please contact me over phone no (.....) or at the following residential address (.....)

அரசு நிலம்/சொத்து ஆவணம் காணவில்லை

.....முகவரியில் வசித்து வரும் திரு.திருமதி.....
அவர்களின் மகன் , மகள் ஆதார் அட்டையாடிகளால் அடையாள அட்டை /
கடவுள் சீட்டு எண் சமர்ப்பிப்பு பயனுடைய நாள் இதன்
மூலம் பொதுமக்களுக்கு தெரிவித்துக்கொள்வது யாதெனில்
சார்பதிவாளர் அலுவலகத்தில் பதிவு செய்யப்பட்ட எனக்கு, எங்களுக்கு
சொந்தமான அசையா சொத்தின் மூல ஆவணம் என் தேதி
தொலைநூறு விட்டது யாரோடும் அனைத்து உரிமையுடையதாக, எனது
கைப்பேசி எண்ணிற்கு அங்குள்ள தீர்மானம் முடிவிற்கு தொடர்பு கொள்ளுமாறு
கேட்டுக் கொள்கிறேன்.



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7. The petitioner should submit an undertaking along with the petition that no civil dispute or mortgage pertaining to the property document alleged to have been lost, is pending before any Court or Financial Institution.
8. The petitioner should also submit an undertaking along with the petition that if he/she furnishes any false information with regard to the property, whose document is alleged to have been lost, the petitioner or whoever abets the offence shall be liable for criminal prosecution under appropriate legal provisions. The petitioner should also furnish an undertaking that he/she shall handover the missing document if it is traced later. In that case, the Station House Officer should intimate about the tracing of the document to the concerned Sub Registrar Office.
9. On receipt of the petition, the Station House Officer (SHO) shall issue a CSR to the petitioner immediately.
10. The CSR should be issued only by the Station House Officer (SHO) and not by any other personnel in the Police Station.
11. If any shortfall in production of documents is noticed, (Documents mentioned in para-2) the Station House Officer (SHO) should intimate the same to the concerned petitioner in writing instructing him to produce the concerned documents within a week time.
12. Within three days from the receipt of documents in full and issuance of CSR, the Station House Officer (SHO) after personally satisfying himself, should send a letter addressed to the Deputy Superintendent of Police / Assistant Commissioner of Police of the DCRB/ CCRB informing about the loss of document along with the following Certificate:



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"Certificate"

"Certified that I have verified all the documents enclosed as mandated in the Chief Office circular memorandum in Rc.No2029209/Gen.1(1)/2022, dated: 01.04.2022".

13. The DSP's / ACP's of DCRB / CCRB on receipt of papers shall publish the matter in Crime and Occurrence Sheet within a week from the date of receipt of the letter from the Station House Officers.
14. The publication in the Crime and Occurrence Sheet shall be sent to the concerned Station House Officers within three days from the date of such publication.
15. In the meantime, necessary action should be taken by the SHO to trace out the said original land documents. Enquiry should be conducted to find out whether the owners or the complainant had encumbered the land documents and by approaching the concerned S.R. for verification. [The purpose of compelling original document is to avoid double documentation.]
16. On receipt of copy of the Crime and Occurrence Sheet publication and if unable to trace out the said documents, the Station House Officers shall issue Non-traceable Certificate to the petitioner.
17. Henceforth, Non-traceable certificate with regard to loss of original land documents shall be issued only by the Station House Officer after adhering to the above procedure and the certificate should be issued to the petitioner after obtaining due acknowledgement and a copy of the same shall be sent to the concerned Sub Registrar Office. (Format of Not Traceable Certificate is enclosed in Annexure)



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18. The Commissioners of Police in Cities and Superintendents of Police in Districts are requested to issue suitable instructions to the Station House Officers to adhere to the above procedure without any deviation. In case of any deviation in this regard, action shall be taken against the concerned police personnel.
19. The above circular shall be posted on the State Police Website and CCTNS Citizen Portal and also pasted in the 'Notice Board' of all Police Stations.

Encl: Annexure.

Sd/-Dr.C.Sylendra Babu
Director General of Police/
Head of Police Force,
Tamil Nadu

To
All Commissioners of Police in Cities
All Superintendents of Police in Districts.

Copy to: The Additional Director General of police, SCRB, Chennai.
Copy to: All Inspectors General of Police in Zones.
Copy to: All Deputy Inspectors General of Police in Ranges.
Copy to: Legal Officer (Service) and Legal Officer, Chief Office, Chennai.
Copy to: Administrative Officer (R&T), Chief Office, Chennai.
Copy to: Stock File.

/s.c.f.b.w/

[Signature] 1/4/2022
Asst. Inspector General of Police.
(Law & Order)



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சொத்து ஆவணம் தொகைவந்து மொனது தொடரியாக குற்ற ஆணை
காப்பகத்தில் வரைமுறைப்படுத்த வேண்டிய ஆவணங்களின் பட்டியல்

S.No.	ஆவணங்கள்
1	காவல் ஆய்வாளர் அறிக்கை
2	புகார்
3	CSR
4	ஆவணங்களின் நகல்கள்
5	பதிவுதரையில் ஆய்வாளர் மூலம் ஆவணங்களின் உண்மைத்தன்மை சான்றிதழ்
6	நோட்டரி சான்றிதழ்
7	தயிற் மற்றும் ஆய்விட நாள்களில் விளம்பர விலை
8	35 ஆண்டு EC
9	புகார்தாரின் தொகைப்பேசி எண் (CDR)
10	சம்பவ இடத்தில் CCTV கேமரா பதிவு குறித்த அறிக்கை
11	VAD சான்றிதழ்
12	கணினி பட்டி
13	சொத்து வரி ரசீது
14	மின் இணைப்பு அட்டை
15	வாரிசுதாரர் சான்றிதழ்
16	உறுதிப்பெழி பத்திரம் புகார்தாரிடம் பெறவேண்டும்
17	அரசு நில ஒதுக்கீடு ஆவணமாக இருந்தால் தாசில்தார் சான்றிதழ்
18	பெறப்பட ஆவணங்கள் அனைத்து SCAN செய்து Pendrive க் Copy செய்து புகார்டுடன் மேற்படி ஆவணங்கள் 2 செட் நயார் செய்து எடுத்துக்கொள்ளும்
19	காவல் ஆய்வாளர் அவர்கள் CSR விசாரணை மேற்கொண்டேயும்



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7.The respondent Police to follow the above circular for issuance of Non Traceable certificate is no faulted, but the only concern is that citing the same causing harassment by not entertaining the complaint of a person who lost the document and making him to run from pillar to post, is not proper. So that unnecessarily the public are not harassed, made to feel that they are harassed for some other reason.

8.Now, the petitioner is ready to appear before the respondent Police for further enquiry. The Inspector of Police, T-14 Mangadu Police Station, Chennai/respondent Police is also present before this Court.

9.In view of the above, the petitioner to appear before the respondent Police with all documents available with him including certified copy of the documents. On his appearance, the respondent Police following the said circular take appropriate steps and issue Non Traceable Certificate without any delay. In any event, Non Traceable Certificate to be issued within a period of four weeks from the date of submission of documents to the respondent Police.



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10. With the above directions, this Criminal Original Petition is disposed of.

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Index: Yes/No

Internet: Yes/No

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To

1. The Inspector of Police – Crime,
T-14, Mangadu Police Station,
Mangadu, Chennai – 600 122.

2. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.
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