



WP No.271 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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Subash Chand Bothra

... Petitioner

Vs.

1. The Inspector of Police,
Walajabad Police Station,
Police Department.
2. The Deputy Superintendent of Police,
DCRB Kancheepuram,
Police Department
3. The Sub Registrar, Sungavarchatiram,
Office of the SRO, Sungavarchatiram,
Registration Department.
4. The Inspector General of Registration,
Registration Department,
Santhome Road, Chennai.
5. E.Selvam

...Respondents

Prayer:-This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the respondents 1 to 3 to consider my representation dated 04.11.2023 to cancel the Non-Traceable



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certificate, dated 01.04.2023 bearing C&O Sheet No.12/2023 issued by the Inspector of Police, Walajabad Police Station, Police Department and further direct the respondents 1 to 3 to take further action in accordance with law as per the petitioner representation dated 04.11.2023.

For Petitioner : Mr.S.Poovendhan
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1 to R4

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents 1 to 3 to consider the representation made by the petitioner on 04.11.2023 wherein the petitioner has sought for cancellation of the Non-traceable certificate that was issued by the 1st respondent on 01.04.2023.

2. Heard Mr.S.Poovendhan, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents 1 to 4.



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3. The petitioner claims to be an agreement holder by virtue of deeds dated 05.08.2011 and 03.09.2016. According to the petitioner, the original documents were handed over to the petitioner by the owner of the property viz., the 5th respondent. However, till date, no sale deed has been executed in favour of the petitioner and inspite of the same, the 5th respondent had managed to give a complaint before the 1st respondent as if the original documents were lost and pursuant to the false complaint, a non-traceable certificate was also issued by the 1st respondent. Questioning the same, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the 5th respondent is the owner of the property. The 5th respondent has all the right to deal with the property. The petitioner is only an agreement holder. If the owner of the property does not come forward to execute the sale deed, the petitioner ought to have moved the appropriate Court seeking for the relief of specific performance. Admittedly, the agreements were of the years 2011 and 2016 and till date, the petitioner has not even taken any effort to file a suit for specific performance. The issuance of a non-traceable certificate by the 1st



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respondent in favour of the 5th respondent, alone cannot be questioned by the petitioner without the petitioner working out his remedy before the Civil Court by filing a suit for specific performance. When the substantial right of the petitioner is under question, since the petitioner has not shown any readiness or willingness, a superficial relief sought for by the petitioner to cancel the non-traceable certificate is unsustainable.

5. In the light of the above discussion, this Court does not find any merits in the claim made by the petitioner and accordingly, this writ petition stands dismissed. No costs.

08.01.2024

rka
Index :Yes/No
Internet:Yes
Speaking Order/Non-speaking Order

To
1. The Inspector of Police,

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Walajabad Police Station,
Police Department.

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2. The Deputy Superintendent of Police,
DCRB Kancheepuram,
Police Department
3. The Sub Registrar, Sungavarchatiram,
Office of the SRO, Sungavarchatiram,
Registration Department.
4. The Inspector General of Registration,
Registration Department,
Santhome Road, Chennai.

N.ANAND VENKATESH,J.

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