



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.12.2024

CORAM

THE HONOURABLE **MRS JUSTICE L.VICTORIA GOWRI**

W.P. No.39732 of 2024
in WMP. No.43026 of 2024

Santha Samuel
Managing Trustee/Correspondent
of Pandiya Raj Memorial Education Trust,
Residing at 2/696
Farm Tea Estate,
Farm Tea Post, Kothagiri Taluk,
The Nilgiris.

..Petitioner

Vs.

1. The Superintendent of Police,
O/o. Superintendent of Police,
Ooty, Nilgiris District.

2. The Sub-Inspector of Police,
Kothagiri Police Station,
Nilgiris District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the order passed by the second respondent in his portal displaying as status "action dropped" pursuant to the CSR. No.378 of 2023 dated 21.12.2023 and quash the same and further direct the second respondent to conduct enquiry on the petitioners complaint dated 21.12.2023.



For Petitioner : Mr.M.Rajasekar

For Respondents : Mr. *K.M.D.Muhilan*,
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed seeking to quash the order passed by the second respondent in his on-line portal displaying as status "action dropped" pursuant to the CSR. No.378 of 2023 dated 21.12.2023 and further direct the second respondent to conduct enquiry on the petitioners complaint dated 21.12.2023.

2. The petitioner made an application before the second respondent Police for Non-Traceable Certificate in respect to certain documents, more particularly, document No.833/2005 dated 24.06.2005, document No.837/1976 dated 21.12.1976 and document No.563/1975 dated 30.06.1975, which were misplaced. The said requisition was made by the petitioner on 21.12.2023 at about 11.30 AM for which, C.S.R.No.378 of 2023 was issued by the respondent Police.

3. The learned counsel appearing for the petitioner pointed out



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that without following the Circular Memorandum dated 01.04.2022, within a short span of time (i.e.,) just 30 minutes, on the same day, the on-line portal of the second respondent displayed as if the action pertaining to the issuance of Non-Traceable Certificate of the aforesaid documents came to be dropped. Such an exercise is *per se* illegal and hence, he sought for quashment of the said communication.

4. Per contra, the learned Government Advocate, on instructions, submitted that the said exercise was done only after getting oral instructions from the petitioner's daughter that the documents have been traced and found out.

5. When this Court sought for the name of the petitioner's daughter to the Investigating Officer through the learned Government Advocate, the concerned Inspector of Police was not able to give sufficient answer as to from whom, the above said information was received and as to the name and particulars of the petitioner's daughter.



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6. This Court is not happy with the attitude of the second respondent Police. Non-traceable certificates are normally sought for by the citizens of India only to the Police Authorities for the purpose of various personal necessities pertaining to the civil disputes, title, commercial transactions etc., Unless and until the applications for Non-Traceable Certificate are not dealt with sensibly by the Investigating Officers, the citizens will be in peril.

7. In view of the same, the impugned C.S.R.No.378 of 2023 dated 21.12.2023 is hereby quashed. The petitioner is directed to make an application afresh in this regard to the respondent Police and the respondents Police shall promptly act on the same, following the Circular Memorandum issued by the Director General of Police, dated 01.04.2022 and issue a Non-Traceable Certificate to the petitioner within a period of four weeks from the date of receipt of a copy of this order, if on investigation, it is found that the documents are ultimately non-traceable.



8. Accordingly, this Writ Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

27.12.2024

rli/ssb

Index : Yes/No

Internet : Yes/No

To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Ooty, Nilgiris District.

2. The Sub-Inspector of Police,
Kothagiri Police Station,
Nilgiris District.



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L.VICTORIA GOWRI, J.

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