



W.P.(MD) No.4228 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

CORAM

THE HON'BLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.4228 of 2024

and

W.M.P.(MD) No.4078 of 2024

W.Joseph Asirvatham

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai.

2.The Assistant Commissioner of Police,
Madurai District.

3.The Inspector of Police (Crime),
D1-Thallakulam Crime Police Station,
Thallakulam, Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent dated 30.11.2023 and quash the same as illegal and consequently, direct the third respondent to issue Non-traceable Certificate to the petitioner for his missing registered Sale Deed Document in Doc.No.6852 of 1942 dated 14.10.1942 and Will Document in Doc.No.154/1980 dated 01.10.1980.



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W.P.(MD) No.4228 of 2024

For Petitioner : Mr.B.Ramanathan

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The learned Counsel for the Petitioner would submit that the Petitioner filed this Writ Petition seeking a Non-traceable Certificate from the Respondents.

2. As per the submissions of the learned Counsel for the Petitioner, the Petitioner had furnished the copy of the paper publications effected by him with regard to the missing of Registered Deed and also undertook that if the original is found, the same will be informed to the Respondents and also gave an undertaking regarding any misuse of document which will result in registration of cases against the Petitioner under the provisions of the Indian Penal Code. Instead of issuing Non-traceable Certificate, they have rejected on the ground that details of the documents furnished by him is different from the document missing.

3. The learned Additional Public Prosecutor objects to the submissions of the learned Counsel for the Petitioner stating that the



W.P.(MD) No.4228 of 2024

Petitioner had not given details and not co-operated with the enquiry and in such circumstances, how the Respondents will be able to give the Non-traceable Certificate?

4. The learned Counsel for the Petitioner would submit that instead, the Respondent 3 had rejected the request of the Petitioner after conducting roving enquiry as a civil court and that the number mentioned in the representation and in the original document is impulsive and decisive.

5. On consideration of rival submissions, it was found that the Petitioner had lost the documents while taking xerox copy. Therefore, the Respondents shall conduct enquiry regarding the *bona fide* of the Petitioner after verifying with the Xerox Shop where the Petitioner is alleged to have taken photostat of the documents which are stated to be missing. After conducting detailed enquiry, the Respondents shall pass appropriate order in the light of Circulars issued by the Director General of Police, Tamil Nadu.



W.P.(MD) No.4228 of 2024

WEB COPY 6. Accordingly, this Writ Petition is disposed of. No cost.

Consequently, connected Miscellaneous Petition is closed.

23.02.2024

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

To :

- 1.The Commissioner of Police,
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- 2.The Assistant Commissioner of Police,
Madurai District.
- 3.The Inspector of Police (Crime),
D1-Thallakulam Crime Police Station,
Thallakulam,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.(MD) No.4228 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

JEN

W.P.(MD) No.4228 of 2024
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23.02.2024