



WP(MD) No.5885 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **13.03.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.5885 of 2024

S.Bhavani

... Petitioner

/vs./

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
D.3 Koodal Pudur Police Station,
Madurai – 17.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second Respondent to issue Non-Traceable certificate for the following documents ie., the Madura Hindu Permanent Fund Limited, Madurai and the Petitioner owned the Share No's from 303859 to 303859, 55223 to 55223, 405243 to 405742, 20966 to 20966, 65894, 211870 to 212369, 43663 to 436762, 95683 to 95782 of the said Madura Hindu Permanent Fund Limited based on the Petitioner's complaint dated 25.06.2022 and 05.03.2024 respectively within a stipulated time as fixed by this Court.

For Petitioner : Mr.S.Veeranasamy

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)



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ORDER

The learned Counsel for the Petitioner submit that the Petitioner had filed this Writ Petition seeking direction against the Respondents to issue the non traceable certificate to the Petitioner with regard the following documents ie., the Madura Hindu Permanent Fund Limited, Madurai and the Petitioner owned the Share No's from 303859 to 303859, 55223 to 55223, 405243 to 405742, 20966 to 20966, 65894, 211870 to 212369, 43663 to 436762, 95683 to 95782 of the said Madura Hindu Permanent Fund Limited. He had given representation through online on 25.06.2022 and 05.03.2024 to the Respondents 1 and 2. Till date, no action had been taken to issue Non Traceable certificate.

2. The learned Government Advocate (Criminal Side) on instructions of the Respondents would submit that as per the Circular issued by the Director General of Police/Head of State Police Force, Tamil Nadu, Chennai, in Rc.No. 2029209/General.4(1)/2022, dated 01.04.2022, the Field Officers were directed to follow certain Standard Procedures. The Petitioner has to comply the circular of Director General of Police regarding non traceable certificate by furnishing certified copy of the document that is alleged to have been missed by her. The Petitioner shall furnish her photographs along with proof of Identity and copies



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of newspaper publication. Also the Petitioner shall give an undertaking that if the lost original document is found, it will be informed to the Respondent Police promptly and if non traceable certificate is misused for any illegal transactions, the Petitioner is liable for prosecution. On such undertaking only, non traceable certificate will be issued. He would further submit that the Petitioner has to appear before the Respondent Police, with all relevant documents. On such production of documents and application, the Respondents are ready to abide by the circular of DGP/ Head of State Police Force, Tamil Nadu.

3. In the light of the submissions made by the learned Counsel for the Petitioner and the learned Government Advocate, the Petitioner is directed to produce the certified copy of the documents that she had lost along with sufficient number of photographs of the Petitioner along with proof of identity of the Petitioner. The Petitioner shall submit copies of paper publication and give an undertaking to the effect that if the lost original document is found, it will be informed to the Respondent Police promptly and if she misuse the non-traceable certificate for any illegal transaction, he is liable for criminal prosecution. The Petitioner is directed to appear before the Respondents in person with all relevant documents. On such appearance of the Petitioner with all relevant documents and photographs, as per the circular of Director General of Police/Head of State Police Force, Tamil Nadu, Chennai, in Rc.No.



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2029209/General.4(1)/2022, dated 01.04.2022, the Respondents shall consider and pass appropriate order within a period of one month from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is disposed of. No costs.

13.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr

TO:

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Inspector of Police,
D.3 Koodal Pudur Police Station,
Madurai – 17.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
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13.03.2024