



W.P.(MD)No.19341 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.02.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.19341 of 2022

and

W.M.P.(MD)No.14112 of 2022

D.Saravanan

... Petitioner

Vs.

1.The Commissioner of Police,
Trichy District.

2.The Inspector of Police,
Srirangam Police Station,
Srirangam, Trichy District.

3.M.Manikandan

4.Thangavelu,
Inspector of Police (Crime),
Srirangam Police Station,
Srirangam, Trichy District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Non-Traceable Certificate dated 04.08.2021 in CTM21102428 issued by the second respondent to in favour of the third respondent and quash the same and consequently, direct the second respondent to initiate criminal action against the respondents 3 and 4 for giving false information.



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For Petitioner : Mr.G.Peranban
For R1 & R2 : Mr.B.Nambiselvan
Additional Public Prosecutor
For R3 : Mr.I.Romeo Roy Alfred
For R4 : No Appearance

ORDER

This Writ Petition has been filed to quash the Non-Traceable Certificate, dated 04.08.2021 in CTM21102428, issued by the second respondent in favour of the third respondent and for consequential direction to the second respondent to initiate criminal action against the respondents 3 and 4 for giving false information.

2.The case of the petitioner is that he is doing construction business and he entered into a joint venture agreement with the third respondent. While being so, the third respondent obtained a Non-traceable Certificate before the second respondent police and alienated the property within the family members. Challenging the Non-traceable Certificate issued by the second respondent police, the present petition is filed.



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3.The learned counsel for the petitioner would submit that the third respondent had already entered into a joint venture agreement with the petitioner and handed over the document to the petitioner and by suppressing the same, he obtained Non-traceable Certificate before the second respondent, which is not sustainable one. Accordingly, he prayed for allowing this petition.

4.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent would submit that it is purely a civil dispute between the third respondent/land lord and the petitioner/developer and the petitioner/developer had not acted in a proper manner and the document was misplaced by the third respondent, for which, he obtained the Non-traceable certificate before the second respondent police and the third respondent is the owner of the property. When the document is misplaced, he is entitled to obtain the Non-traceable certificate from the second respondent and it is not a statutory violation or constitutional violation and for the very same issue, the petitioner already lodged a complaint before the respondent police in Crime No.13 of 2022 for the



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offence under Sections 420, 120B, 465, 467 of IPC. While being so, the petitioner filed the present petition before this Court, which is not sustainable one. Accordingly, he prayed for dismissal of this petition.

5.In view of the above facts and circumstances of the case and it appears to be a civil dispute between the parties, for which, filing the present petition before this Court, which is not sustainable one and it has to be ventilated only before the civil Court. Hence, the Writ Petition is dismissed with liberty to the petitioner to workout his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

26.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Sji

To

1.The Commissioner of Police,
Trichy District.

2.The Inspector of Police,
Srirangam Police Station,
Srirangam, Trichy District.



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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI,J.

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