



W.P.(MD)No.23394 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.23394 of 2024

C.Arulselvan

...Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Sub Inspector of Police,
Vellichanthai Police Station,
Vellichanthai,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondents herein to issue non traceable certificate in respect of sale deed No.249/1972, dated 28.02.1972 of Manavalakurichi Sub Registrar Office, on the basis of the complaint given to the second respondent dated 29.01.2024 within a time stipulated by this Court.



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For Petitioner : Mr.C.Sankar Prakash

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The Writ Petition has been filed seeking orders to direct the second respondent to issue Non Traceable Certificate to the writ petitioner relating to his document of sale deed bearing No.249/1972 dated 28.02.1972, on the basis of the complaint given to the second respondent dated 29.01.2024 within a time stipulated by this Court.

2. The learned counsel appearing for the writ petitioner would submit that the writ petitioner has lodged an online complaint and a complaint to the second respondent for missing of his original sale deed document bearing No.249 of 1972 dated 28.02.1972, that the writ petitioner has also made paper publication with regard to the missing of original document, that since there was no action, the writ petitioner has sent a complaint to the Chief Minister Cell and that thereafter the second respondent has passed a rejection order dated 08.09.2024.



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3. A cursory perusal of the rejection order reveals that the second respondent has not conducted any enquiry properly and passed the rejection order mechanically and as such, the same is liable to be quashed.

4. At this juncture, the learned Additional Public Prosecutor appearing for the respondents would submit that the writ petitioner may be directed to give a fresh representation and they will consider the same.

5. In pursuance of the direction of this Court in CrI.O.P.No.3307 of 2022, the Director General of Police has issued a circular memorandum in Rc.No.2029209/General.1 (1)/2022, dated 01.04.2022 stipulating the procedure to be adopted with regard to issuance of non-traceable certificate.

6. Considering the above, the writ petitioner is directed to give a fresh representation to the second respondent and on receipt of the same, the second respondent is directed to conduct enquiry and issue Non-traceable Certificate to the writ petitioner, after ensuring the said



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document has not been deposited for any purpose following the circular issued by the Director General of Police within a period of one month from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of.

No costs.

01.10.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

- 1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 2.The Sub Inspector of Police,
Vellichanthai Police Station,
Vellichanthai,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

csm

**Order made in
W.P.(MD)No.23394 of 2024**

Dated : 01.10.2024