



W.P.(MD)No.26812 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

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Canara Bank
Rep by its Chief Manager,
Ravikumar,
Sankarankovil Branch
Rajapalayam Road,
Sankarankovil
Tenkasi District

.. Petitioner

Vs

The State Rep. by
The Inspector of Police
Sankarankovil Town Police Station
Tenkasi District

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to issue Non-Traceable Certificate based on the missing compliant given by the petitioner in CSK No. 24455024/2024 dated 23.09.2024

For Petitioner : Mr.R.Anandharaj

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

This Writ Petition has been filed to direct the respondent to issue Non-Traceable Certificate based on the missing complaint given by the petitioner in CSK.No.24455024/2024 dated 23.09.2024.

2. The contention of the petitioner is that the petitioner has taken over charge as Chief Manager of the Bank on 16.05.2022 and the Branch has given loan to one Kumar and his wife Madalakshmi and they have also deposited various documents. Memorandum of Deposit has been created and the same has been registered in Doc.No.750 of 2014. Thereafter, loan to the tune of Rs.30 Lakhs has been disbursed. On 18.05.2024, the loanee has repaid the entire loan amount and asked for return of documents. On 18.05.2024, when the document was about to be returned, it was found that document Nos.1227/2001 and 839/2008 were found missing and the rest of the documents are available. Except his two documents, other documents are handed over to the loanee and thereafter, made search in the entire bank and the documents were not traced. Therefore, he lodged the complaint. Further, he has submitted that



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after the order of the Director General of Police in RC No. 2029209/General.1(1)/2022, they had given photostat copies of the documents. The petitioner has also given his photo identity proof, Aadhar card and the paper publication issued in Times of India and the Hindu and also the Encumbrance certificate for the lost document for the period from 01.01.1987 to 20.09.2024. Thereafter, no action has been taken and hence, the present petition has been filed.

3. The learned Additional Public Prosecutor submitted that on the complaint of the petitioner, the petitioner was called for enquiry and the petitioner appeared. During enquiry, he was unable to give reason for certain questions and at that time, it was informed unless it is clarified the complaint would be closed and it is not possible to issue Non Traceable Certificate. Thereafter, the petitioner had informed that he would revert back after getting clarification from his superiors. But thereafter he failed to do so. Hence, on 01.10.2024, the petitioner had sent a online complaint in CSK.No.24455024/2024 dated 23.09.2024 and the same has been closed.



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4. The learned counsel appearing for the petitioner submitted that this is a public sector bank and the documents are misplaced and the loanee has sent a representation to the ombudsman and the ombudsman is also enquiring with regard to dereliction of duties in the bank. As far as the original is concerned, as per the Encumbrance Certificate, no encumbrance has been created and no loan has been discharged. In view of the same, certified copy can be obtained and only treated as primary document. Only after issuance of Non Traceable Certificate and thereafter, the bank can issue a supporting letter to the loanee and the loanee can use this certified copy as original document. In view of the same, issuance on Non Traceable Certificate is very much required.

5. In view of the same, the respondent police is directed to re-open the online complaint of the petitioner in CSK.No.24455024/2024 dated 23.09.2024 and pass orders within period of two weeks from the date of receipt of a copy of this order. Such exercise shall be completed after hearing the petitioner and if conditions are complied, Non Traceable Certificate shall be issued. It is to be noted that the petitioner is the Chief Manager of a Public Sector Bank.



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

No costs.

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Index: Yes/No

Internet : Yes/No

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To

1. The Inspector of Police
Sankarankovil Town Police Station
Tenkasi District
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M.NIRMAL KUMAR, J.

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