



W.P.(MD)No.26775 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.11.2024

CORAM:

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

W.P.(MD)No.26775 of 2024

S.Seeniraj

.. Petitioner

Vs.

1. The Joint Sub-Registrar-II
Virudhunagar,
Virudhunagar District.

2. The State Rep. by the
Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 2nd respondent to conduct enquiry regarding the missing of original will deed in Document No. 28/2008 dated 09.04.2008 (on the file of the Joint Sub - Register -1/ now @ 2nd respondent Office) of the petitioner and issue Non-Traceable Certificate to the petitioner after due enquiry by considering the petitioner compliant dated 16.10.2024 within the time stipulated by this Court.

For Petitioner : Mr.B.Mareeskumar

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor for R2



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: Mr.M.Muthumanikkam

Government Advocate (Civil Side)for R1

ORDER

This Writ Petition has been filed to direct the 2nd respondent to conduct enquiry regarding the missing of original Will in Document No. 28/2008 dated 09.04.2008.

2. The petitioner's father Subbaiya executed a Will by registered document No.28/2008 on 09.04.2008. As per the Will, his father executed some portion of the landed property to the petitioner and his five brothers. His father passed away on 09.06.2020, due to old age. The petitioner is aged about 54 years and due to his age factor and finance requirement, he is decided to sell the portion of the property and of his brothers. The petitioner had taken the original sale deed for photostat copy on 03.02.2024. Later, he misplaced the original deed. The petitioner reiterated and find out the original deed, but, unable to find the document. Hence, he sent an on-line complaint on 07.02.2024, but, no action was taken. Thereafter, the petitioner had given a complaint to the second respondent on 11.07.2024 and the second respondent issued C.S.R.No.235/2024, advised the petitioner to submit documents as per



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circular issued by the Director General of Police, in R.C.No.2029209/General-1(1)2022, dated 01.04.2022. The petitioner had already given a paper publication on 16.02.2024 in Tamil as well as English newspapers, about the missing of the original Will. Despite complying with all the condition, the second respondent police had not taken any action. Thereafter again the petitioner had given representation on 16.10.2024 and the second respondent issued C.S.R.No.363/2024 and the respondent police is yet to give Non Traceable Certificate.

3. The learned Additional Public Prosecutor submitted that on the complaint of the petitioner's earlier complaint on 11.07.2024 C.S.R.No. 235/2024 assigned. During enquiry, it was found that the petitioner's father Subbaiya had two wives and the first wife had two sons, viz., Soundirarajan and Marichamy @ Rajendran and the second wife had six sons. The first wife's sons had raised objection that his father had not properly apportioned the property to legal heirs. Hence, there was a dispute between the legal heirs. Further, it was doubtful whether the petitioner's brother is keeping the document within or pledged with any person. For this reason, the petitioner was advised to follow the circular of the Director General of Police, Chennai.



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4. The learned counsel for the petitioner submitted that all the legal heirs including the said Subbaiya's first wife's sons and legal heirs are ready to appear and to give their no objection.

5. In view of the above, the second respondent police is directed to call for the legal heirs and find out whether they have any objection, further, on following the circular of the Director General of Police, Chennai and issue Non Traceable Certificate, after complying all the conditions by the petitioner, within a period of three months from the date of receipt of copy of this order. No costs.

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

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
LS

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To

1. The Joint Sub-Registrar-II
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Virudhunagar District.

2. The Inspector of Police,
Soolakkarai Police Station,
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M.NIRMAL KUMAR, J.

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