



W.P.(MD)No.27965 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

W.P.(MD)No.27965 of 2024

Selvi

...Petitioner

Vs.

1. The Superintendent of Police
Theni District, Theni

2. The Inspector of Police
Palanichettipatti Police Station
Theni District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue Non-Traceable Certificate of missing Original Sale Deed in Doc.2828 of 1980 before the Sub Registrar Office, Theni dated 01.10.1980 by considering the petitioners complaint dated 28.06.2024 in Reference No.CNS 24290205.

For Petitioner : Mr.M.Muniyarasu

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

The Writ Petition has been filed to direct the respondents to issue Non-Traceable Certificate of missing Original Sale Deed in Doc.2828 of 1980 before the Sub Registrar Office, Theni dated 01.10.1980 by considering the petitioners complaint dated 28.06.2024 in Reference No.CNS 24290205.

2. The learned counsel appearing for petitioner would submit that the writ petitioner has lodged a complaint before the respondent for missing of her Doc.No.2828 of 1980 before the Sub Registrar Office, Theni dated 01.10.1980 which was not considered and the petitioner is not aware about what steps the respondent police have taken. Hence she had sent a representation by online portal in CNS24290205 followed by another representation Nil dated. Along with the representation the petitioner had also sent copy of the online complaint, copy of the documents, sale deed documents in the name of the father of the petitioner, encumbrance certificate, death certificate of her father dated 25.05.2016, death certificate of her mother dated 22.04.2022, family



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card, aadhar details of petitioner's father and mother and the details of her sisters Jothi and Kannammal , thereafter too no action has been taken.

Thereafter she had sent another representation dated 18.11.2024 to the Superintendent of Police, Theni District and since there was no response, the present petition has been filed.

3. The learned Additional Public Prosecutor would submit that on the petitioner's complaint an enquiry was conducted . The petitioner was enquired and thereafter the petitioner was again asked to produce further documents and further one of the document submitted was not readable and hence sought for clear document. She was also directed to produce Village Administrative Officer Attestation, affidavit of the petitioner and paper publication cutting on 18.08.2024. Thereafter the petitioner failed to appear before the respondent and hence the complaint was closed on 04.09.2024. The petitioner has also sent representation to the Chief Minister's Cell and others which was also forwarded to the respondent police and all were enquired.



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4. The learned counsel appearing for the petitioner submitted that she had complied with the circular of the Director General of Police has issued a circular memorandum in Rc.No.2029209/General.1 (1)/2022, dated 01.04.2022 . According to the petitioner in the circular in para(v) it is stated that Encumbrance Certificate (Digital or Manual) for the above property for the last 20 years or from the date of registration of missing document whichever is longer and it should be obtained from the concerned Sub Registrar Office only. But in this case the document was found missing from 27.06.2024. In the closure report it is shown that the Encumbrance for the property from the year 1950 is to be submitted which is not required.

5. The learned counsel appearing for the petitioner submitted that the petitioner has already submitted Encumbrance Certificate from 01.01.2014 to 06.06.2024. The missing of the document is on 27.06.2024. The petitioner ought to have submitted the documents beyond the period of 27.06.2024 and here the Encumbrance Certificate is before date. Hence the petitioner is directed to submit Encumbrance



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Certificate for 20 years prior to missing of the documents i.e., prior to 27.06.2024 and other required documents such as the Village Administrative Officer certificate, Revenue Inspector Certificate and affidavit along with paper publication cutting

6. In view of the same, the petitioner is directed to appear before the respondent police within a period of two weeks from the date of receipt of a copy of this order along with all requisite documents and thereafter the respondent police to consider the same and by following the 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 if the petitioner is eligible 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.

25.11.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

1. The Superintendent of Police
Theni District, Theni
2. The Inspector of Police
Palanichettipatti Police Station
Theni District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M. NIRMAL KUMAR, J

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