



W.P.(MD)No.30346 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.30346 of 2024

Arul Jeba Ranjith

... Petitioner

Vs.

1.The Superintendent of Police,
Tenkasi District,
Tenkasi.

2.The Inspector of Police,
Surandai Police Station,
Surandai,
Tenkasi.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent to issue non-traceable certificate to the petitioner towards the sale deeds vide Document Nos.5 of 2017 and 4309 of 2021, dated 27.12.2016 and 23.09.2021, respectively, registered on the file of Surandai Sub-Registrar, Surandai, Tenkasi District, based on the petitioner's complaint, dated 26.02.2023.

For Petitioner : Mr.N.Vignesh

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

The petitioner purchased a land of 50.25 cents in Survey No. 62/2, situated at Vadi Village, Tenkasi District, through a sale deed (Document No.5 of 2017). He had also purchased other lands in Surandai Village (Document No.4309 of 2021). In January 2023, the petitioner took the original documents of these properties in a small bag to a shop for photostat copies. After taking the copies, he kept the bag in his house. Upon later checking, the original documents were found missing. The petitioner subsequently lodged a complaint with the second respondent on 26.02.2023. The second respondent advised the petitioner to issue a paper publication, which was published on 10.03.2023. The petitioner was then instructed to submit documents, a photograph, an Aadhar Card, the newspaper advertisement, and undertakings as per the Circular issued by the Director General of Police in Rc.No.2029209/General.1(1)/2022, dated 01.04.2022. The petitioner complied and submitted the necessary documents to the second respondent. On 24.06.2023, the petitioner realized that no action had been taken on his complaint, and he was unable to obtain the non-traceable certificate for the missing documents.



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2. The learned Additional Public Prosecutor submitted that based on the petitioner's complaint, C.S.R.No.518 of 2023 was registered. During the enquiry, the petitioner had provided copies of Document Nos. 5 of 2017 and 4309 of 2021, the Patta, Encumbrance Certificate, Notary Public Certificate, and the Paper Publication. The petitioner was instructed to produce his photograph, an affidavit confirming that there were no pending civil or criminal cases related to the properties, a legal heirship certificate, and a letter to the Sub-Registrar Office informing about the loss of the original documents, with a request for no further registration on the properties. However, the petitioner failed to appear before the respondent Police and submit the required documents, which hindered the issuance of the non-traceable certificate.

3. The learned counsel for the petitioner objected to the claim, submitted that the petitioner had already provided all required particulars to the respondent Police. Despite this, the respondent Police had not taken any action. The learned counsel further submitted that the petitioner was ready to appear before the second respondent and submit the documents, photograph, affidavit and the legal heirship certificate. It



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is now for the respondent Police to inform the Sub-Registrar Office accordingly. The learned counsel for the petitioner also stated that the petitioner will appear before the second respondent on **23.12.2024** with all necessary documents.

4. Thereafter, the respondent Police is requested to continue the enquiry under C.S.R.No.518 of 2023 and, upon verifying the documents and if all conditions are met, to issue the non-traceable certificate on or before **29.01.2025**.

5. With the above directions, this Writ Petition is disposed of. No costs.

6. Post the matter on **30.01.2025**, "for reporting compliance".

17.12.2024

NCC : Yes / No

Index : Yes / No

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Note:- Issue order copy on 18.12.2024.



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To
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- 1.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 2.The Inspector of Police,
Surandai Police Station,
Surandai,
Tenkasi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
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Dated: 17.12.2024