



W.P.No.17311 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.17311 of 2023

S.Balasundaram

... Petitioner

Vs.

1. The Deputy Inspector General of Police,
Anna Salai, KK Nagar,
Thorapadi, Palavansathu,
Vellore – 632 001.

2. The Superintendent of Police,
District Police Office Building,
1st Floor, Sathuvacheri,
Vellore – 632 006.

3. The Deputy Superintendent of Police,
Sudhandira Ponvizha Nagar,
Gandhi Nagar,
Vellore – 632 006.

4. The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.

5. B.Chittibabu

6. B. Usha

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to take necessary action based on the representation dated 23.03.2023 sent by the petitioner and to conduct an enquiry and to cancel the “Non-traceable certificate” dated 15.12.2018 in Gudiyatham Town Ps CSR No.538/2018 issued to the fifth respondent.

For Petitioner : Mr.P.Vasanth
For Respondents
For R1 to R4 : Mr.A.Gopinath
Government Advocate (Crl. Side)
For R5 & R6 : Mr.N.Manokaran

ORDER

This Writ Petition has been filed for direction directing the respondents 1 to 4 herein to take appropriate action on the complaint lodged by the petitioner dated 23.03.2023.

2. On perusal of the complaint dated 23.03.2023, it is revealed that during August 2017, the petitioner had lent huge sum in favour of the respondents 5 & 6 on receipt of the original title deed in respect of the property comprised in T.S.No.743, New T.S.No.743/7, 745/1, situated at Door No.19/18, Ward-3, Block-10, Marati Street @ Veerasivaji Street, Nadupet, Gudiyattam, Vellore District, in order to



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settle loan accounts pending in various banks. The respondents 5 & 6 had settled the loan and thereafter failed to execute sale deed and also failed to settle the amount.

3. While being so, the respondents 4 & 5 have been issued with non-traceable certificate in respect of the original title deed which was handed over to the petitioner. The fourth respondent police had issued the non-traceable certificate and therefore, the petitioner lodged complaint to cancel the same.

4. The learned counsel appearing for the respondents 5 & 6 submitted that no agreement was executed in favour of the petitioner by the respondents 5 & 6 to sell the subject property. Whatever the amount borrowed from the petitioner has been repaid by the respondents 5 & 6. Even then, the petitioner failed to return the original document as such the respondents 5 & 6 obtained the non-traceable certificate and sold out the subject property even in the year 2019 itself. After the period of six years, the petitioner lodged complaint as if, he is in possession of the original title document in respect of the subject property.



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5. Heard the learned counsel appearing on either side and

perused the materials placed before this Court.

6. Admittedly, there was no agreement between the petitioner and the respondents 5 & 6. Further, no mortgage deed was executed in favour of the petitioner by the respondents 5 & 6 by depositing the original title deed as memorandum of deposit of title deed. That apart, the property was sold out to the third party in the year 2018 itself and after the period of six years, the petitioner lodged the present complaint. Therefore, the complaint lodged by the petitioner cannot be considered and the writ petition itself is devoid of merits and liable to be dismissed.

7. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



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To
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4. The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.

5. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J,

rts

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