



W.P.No.16860 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM:

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

W.P.No.16860 of 2024
and W.M.P.No.18548 of 2024

G.Dhanasekaran

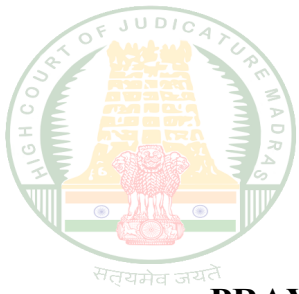
... Petitioner

Vs

The State represented by its

1. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai – 600 007.
2. The Deputy Commissioner of Police CRB,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai – 600 007.
3. Dhanasekaran
The Inspector of Police (Crime),
E1 Police Station,
Madhavaperumalpuram,
Mylapore, Chennai – 600 004.
4. A.Kalanidhi
5. K.Rajalakshmi

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to consider representation dated 22.05.2024 and to initiate necessary action against the third respondent.

For Petitioner : M/s K.Annamma
For R1 and R2 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed for direction directing the respondents 1 and 2 to consider representation dated 22.05.2024 and to initiate necessary action against the third respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondents 1 and 2 and perused the materials available on record.

3. A perusal of the representation dated 22.05.2024 submitted by the petitioner revealed that the petitioner is an agreement holder for larger extent of the property owned by the fourth respondent. After execution of agreement for sale, the fourth respondent failed to execute a



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sale deed and as such, the petitioner also filed a suit for specific performance. In fact, at the time of entering into an agreement, the fourth respondent had handed over all the original partition deed in respect of the subject property to the petitioner. Now all the documents have been produced before the Trial Court in the suit filed for specific performance in O.S.No.588 of 2022 on the file of the Principal District Court, Chengalpet and it is pending for adjudication. All the original documents were marked as Exs.B1 to 8.

4. While being so, the fourth respondent lodged a complaint as if the original partition deeds were lost and obtained Non Traceable Certificate before the third respondent. Therefore, the petitioner wants to cancel the Non Traceable Certificate issued in favour of the fourth respondent and also to take appropriate action against them.

5. On instructions, the learned Government Advocate (Crl.side) appearing for the respondents 1 and 2 submitted that on receipt of the complaint from the petitioner, the third respondent conducted enquiry



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and also taking steps to cancel the Non Traceable Certificate issued in favour of the fourth respondent.

6. It is also pertaining to note here that now the original partition deed does not require for registration and even for agreement for sale. Therefore, there is no impediment for the registering authority to register any deed of conveyance and the Non Traceable Certificate does not have any value.

7. In view of the above, the third respondent is directed to conduct enquiry on the complaint lodged by the petitioner and cancel the Non Traceable Certificate issued in favour of the fourth respondent, within a period of two weeks from the date of receipt of a copy of this order.



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8. With the above directions, this Writ Petition petition is disposed of. Consequently, connected Miscellaneous petition is closed.

No costs.

04.03.2025

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

To

1. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai – 600 007.
2. The Deputy Commissioner of Police CRB,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai – 600 007.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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