



W.P.(MD) No.3159 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.3159 of 2025

and W.M.P(MD) No.2214 and 2215 of 2025

P.Arumugam @ Mahalakshmi

... Petitioner

Vs

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District,
Sivagangai.
3. The Sub-Inspector of Police,
Madhagupatti Police Station,
Sivagangai District,
Sivagangai.
4. Asantha Antony
5. Anjali Janaki
6. Jared Angelo



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7. The Sub-Registrar,
Office of the Sub-Registrar,
Melur,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned missing certificate issued by the 3rd respondent dated 22.07.2015 on the complaint made by the 6th respondent dated 20.07.2015 in petition No.287 of 2015 and set aside the same as illegal and arbitrary. Consequently to direct the 1st respondent to take action against the 2nd and 3rd respondent.

For Petitioner : Mr.R.Srvugaraja

For Respondents :

For R1 to R3 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This writ petition has been filed by the petitioner challenging the certificate issued by the 3rd petitioner dated 22.07.2024 on the complaint given by the 6th respondent dated 20.07.2024 in petition No.287 of 2015 and to set aside the same.

2. According to the petitioner, she is the owner of the property in S.F.No.113 / 1 to an extent of 4 cents situated at Melur town, Madurai



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District and she is in possession and enjoyment of the property.

Originally, the property belonged to the husband of the petitioner and after his demise, herself and her daughter are entitled the property. While so, the 6th respondent in order to grab the property, has lodged a complaint alleging that the original documents of the property was misplaced and based on the complaint, the 3rd respondent issued certificate stating that the missed document is untraceable. The date of complaint is 20.07.2015 and the order was passed immediately after two days i.e. On 22.07.2015. Therefore, the 3rd respondent has not followed the procedures and hastily issued the impugned certificate. The impugned certificate will affect the rights of the petitioner and thereby, she filed petition to set aside the order as illegal.

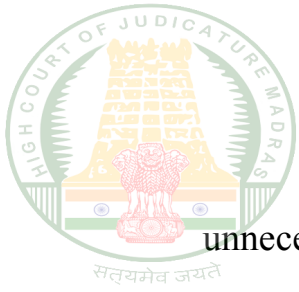
3. The learned Additional Public Prosecutor (Criminal side) appearing for the respondents no.1 to 3 would submit that based on the complaint given by the petitioner, they issued certificate and the given certificate will noway affect the rights of the parties and only it indicates that the alleged missed document was unable to trace out. Therefore, nothing survives for further adjudication and prayed to dismissed the petition.



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WEB COPY 4. Head the learned counsels on either side and perused the records.

5. The petitioner is not a party to the proceedings issued by the 3rd respondent and based on the complaint given by the 6th respondent, the certificate was issued. The main contention of the petitioner is that taking advantage of the certificate, the said 6th respondent attempting to create encumbrance over the property. It is well settled law that based on the certificate issued by the 3rd respondent, nobody can claim right over the property and it will no way affect the rights of the petitioner. Therefore, the petitioner is not entitled to challenge the order passed by the 3rd respondent, since the certificate is only in respect of the complaint given by the 6th respondent. If the petitioner has the original documents in custody, it is for her to act based on the said document in accordance with law. Merely because the order passed by the 3rd respondent is within a short span and issued untraceable certificate that is no way affect the rights of the petitioner. The rights of the parties in respect of the property can be decided by the Competent Civil Court based on the documents and merely because of non traceable certificate issued by the police, it cannot create any rights to the parties. Therefore, the writ petition itself is



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unnecessary and hence, dismissed. No costs. Consequently, connected

writ miscellaneous petitions are closed.

04.02.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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To

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District,
Sivagangai.
3. The Sub-Inspector of Police,
Madhagupatti Police Station,
Sivagangai District,
Sivagangai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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