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W.P.Crl.No.543 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.Crl.No.543 of 2026

M/s.The Anjuman-e-Himayath-e-Islam,
Rep. By its Authorized Signatory
M.A.Azeez
No.26, Karpooora Street,
Periamet, Chennai – 600 003.

... Petitioner

vs.

The Inspector of Police (Crime),
Teynampet Police Station,
Teynampet,
Chennai – 600 018.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue the non-traceable certificate to the petitioner for the missing document vide Sale Deed dated 03.05.1940 registered as Document No.1006 of 1940 at the Office of the Sub-Registrar, Mylapore, Chennai pertaining to the petitioner's property measuring an extent of 11 acres 93 cents of land situated in Thiagaraya Nagar comprised in Old Survey No.49, 58/2, 50 and 57 parts, New Survey No.4835/3 having purchased on larger extent of 19.05 acres, in view of the petitioner's representation dated 29.07.2025 and 19.11.2025 respectively.



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For Petitioner : Mr.J.Ashok

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For Respondent : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor

ORDER

The petitioner M/s.The Anjuman-e-Himayath-e-Islam represented by its authorized signatory Mr.M.A.Azeez had given representations dated 29.07.2025 and 19.11.2025 to the respondent, but no action was taken. Hence, the present writ petition filed.

2.The petitioner Society is the absolute owner of the property covered under sale deed in Document No.1006 of 1940 dated 03.05.1940 registered at SRO, Mylapore, Chennai. The property of the Trust measures 19 acres, out of the said extent 6.66 acres already sold to third parties and the remaining extent of 11 acres 93 cents was held by the Society. A portion of the property was leased out and the same was registered as Document No.545 of 2013 in SRO, T.Nagar, Chennai. The ownership of the property continues to rests absolutely with the Trust. For the purpose of renewal, the petitioner approached the SRO on 30.01.2024 in respect of the lease vide Document No.545 of 2013, at that time, the SRO informed that as per the

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procedure, the original sale deed pertaining to the property required to be produced. Thereafter, a search was conducted in the Trust office and it was found that the original sale deed bearing Document No.1006 of 1940 dated 03.05.1940 could not be traced and found missing. Since the original sale deed is not available in the Office records, it could not be traced and complaint lodged for missing document. C.S.R.No.187 of 2024 assigned and thereafter nothing happened. On 29.07.2025, a reminder was sent to the respondent followed by another reminder on 19.11.2025. Further, the respondent was directed to cause a public notice and the same was caused. An affidavit was requested and the same was filed giving details of the property already sold by the Trust, property leased out and the property held by the Trust. Another public notice in Tamil language was also published and encumbrance certificate for the property obtained and submitted. The SRO sent a communication in D.No.464/2025 dated 18.11.2025 in response to the respondent's query. Despite submission of all documents, still non-traceable certificate not issued. Hence, the lease deed could not be dealt with causing serious ramifications and the petitioner's right in enjoyment over the property becomes questionable.



3.The learned Additional Public Prosecutor submitted that the petitioner lodged a complaint, C.S.R. number assigned, thereafter paper publication both in English and Tamil made. The petitioner also submitted encumbrance certificate and necessary verification with the SRO made and following the circular issued by the Director General of Police in Rc.No.2029209/General.1(1)/2022 dated 01.04.2022, soon the non-traceable certificate will be issued.

4.The learned counsel for the petitioner submitted that there have been 19 conditions in the Circular in Rc.No.2029209/General.1(1)/2022 dated 01.04.2022, out of which, the respondent got an obligation to complete certain formalities and in this case, except for Condition Nos.13 and 14, all other conditions complied with and those Condition Nos.13 and 14 to be complied with by the respondent.

5.A scanned reproduction of the Circular issued by the Director General of Police in Rc.No.2029209/General.1(1)/2022 dated 01.04.2022 is as follows:



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Rc.No.2029209/General.1 (1)/2022

Office of the
Director General of Police /
Head of Police Force,
Tamil Nadu, Chennai-4.
Dated:01.04.2022

Circular Memorandum

Sub: Police – Issuance of Non Traceable Certificate in respect of
Missing original land documents – Instructions Issued –
Regarding.
Ref: Criminal original Petition No. 3307/2022 on the file of
Hon'ble High Court, Madras.

The following procedure should be adopted with regard to issuance of Non-
traceable Certificate on receipt of petition relating to the loss of original land
documents.

1. Petition should be preferred only by the legal owner or his power of attorney of the property.
2. The petitioner should furnish the following documents along with the petition:
 - i. 2 Certified copies of the document/s which is alleged to have been lost (obtained within a month prior to the presentation of the petition at the Police Station from the concerned Sub Registrar Office)
 - ii. Recent photograph of the petitioner or that of his power of attorney.
 - iii. Copy of Aadhar Card or Voter ID or Passport (No other Identity proof will be accepted.)
 - iv. News paper advertisements in original as mentioned in para 6.
 - v. Undertakings mentioned in paras 7 and 8.
3. In case of death of the legal owner of the property, his or her legal heir should present the petition along with the following documents:-
 - a) Death Certificate pertaining to the death of the legal owner issued by the competent Local body/ Municipality / Corporation authorities.
 - b) Legal Heir Certificate issued by the designated Revenue Authority to establish that the petitioner is the legal heir of the owner of the property



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4. In case of multiple legal heirs, No Objection Certificate obtained from other legal heirs other than the petitioner should be enclosed.
5. 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.
6. Original of the public advertisement given one in leading English and one in leading vernacular newspaper should be enclosed. The advertisement should have been published within 30 days prior to the presentation of the petition (format pertaining to the publication of public advertisement in the newspaper in English and vernacular as follows)

Original Land / Property Document Lost

I(Aadhar Card/Voter ID/ Passport No) S/o / D/o , aged about years, residing at , do hereby inform to the General Public that I have lost the original land document pertaining to my / our property registered in document No , dated registered at Sub Registrar Office If anyone finds the said document, please contact me over phone no (.....) or at the following residential address (.....)

அசல் நிலம்/சொத்து ஆவணம் காணவில்லை

.....முகவரியில் வசித்து வரும் திரு.திருமதி.....
அவர்களின் மகன் / மகள் ஆதார் அட்டை, வாக்காளர் அட்டை, அட்டை /
கடவுள் சிட்டு எண் சமர் வயதுடைய நான் இவன்
மூலம் பொதுமக்களுக்கு தெரிவித்துக்கொள்வது யாதெனில்
சார்பதிவாளர் அலுவலகத்தில் பதிவு செய்யப்பட்ட எனக்கு, எங்களுக்கு
சொந்தமான அசையா சொத்தின் மூல ஆவணம் எண் தேதி
நொலைந்து விட்டது. யாரேனும் அந்நகரக் கண்டுபிடித்தால் எனது
கைப்பேசி எண்ணிற்கு அல்லது கீழ்க்கண்ட முகவரிக்கு தொடர்பு கொள்ளுமாறு
கேட்டுக் கொள்கிறேன்.



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7. The petitioner should submit an undertaking along with the petition that no civil dispute or mortgage pertaining to the property document alleged to have been lost, is pending before any Court or Financial Institution.
8. The petitioner should also submit an undertaking along with the petition that if he/she furnishes any false information with regard to the property, whose document is alleged to have been lost, the petitioner or whoever abets the offence shall be liable for criminal prosecution under appropriate legal provisions. The petitioner should also furnish an undertaking that he/she shall handover the missing document if it is traced later. In that case, the Station House Officer should intimate about the tracing of the document to the concerned Sub Registrar Office.
9. On receipt of the petition, the Station House Officer (SHO) shall issue a CSR to the petitioner immediately.
10. The CSR should be issued only by the Station House Officer (SHO) and not by any other personnel in the Police Station.
11. If any shortfall in production of documents is noticed, (Documents mentioned in para-2) the Station House Officer (SHO) should intimate the same to the concerned petitioner in writing instructing him to produce the concerned documents within a week time.
12. Within three days from the receipt of documents in full and issuance of CSR, the Station House Officer (SHO) after personally satisfying himself, should send a letter addressed to the Deputy Superintendent of Police / Assistant Commissioner of Police of the DCRB/ CCRB informing about the loss of document along with the following Certificate:



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"Certificate"

"Certified that I have verified all the documents enclosed as mandated in the Chief Office circular memorandum in Rc.No2029209/Gen.1(1)/2022, dated 01.04.2022"

13. The DSP's / ACP's of DCRB / CCRB on receipt of papers shall publish the matter in Crime and Occurrence Sheet within a week from the date of receipt of the letter from the Station House Officers.
14. The publication in the Crime and Occurrence Sheet shall be sent to the concerned Station House Officers within three days from the date of such publication.
15. In the meantime, necessary action should be taken by the SHO to trace out the said original land documents. Enquiry should be conducted to find out whether the owners or the complainant had encumbered the land documents and by approaching the concerned S.R. for verification. [The purpose of compelling original document is to avoid double documentation.]
16. On receipt of copy of the Crime and Occurrence Sheet publication and if unable to trace out the said documents, the Station House Officers shall issue Non-traceable Certificate to the petitioner.
17. Henceforth, Non-traceable certificate with regard to loss of original land documents shall be issued only by the Station House Officer after adhering to the above procedure and the certificate should be issued to the petitioner after obtaining due acknowledgement and a copy of the same shall be sent to the concerned Sub Registrar Office. (Format of Non-Traceable Certificate is enclosed in Annexure)



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18. The Commissioners of Police in Cities and Superintendents of Police in Districts are requested to issue suitable instructions to the Station House Officers to adhere to the above procedure without any deviation. In case of any deviation in this regard, action shall be taken against the concerned police personnel.

19. The above circular shall be posted on the State Police Website and CCTNS Citizen Portal and also pasted in the 'Notice Board' of all Police Stations.

Encl: Annexure.

Sd/-Dr.C.Sylendra Babu
Director General of Police/
Head of Police Force,
Tamil Nadu.

To
All Commissioners of Police in Cities.
All Superintendents of Police in Districts.

Copy to: The Additional Director General of police, SCRB, Chennai.
Copy to: All Inspectors General of Police in Zones.
Copy to: All Deputy Inspectors General of Police in Ranges.
Copy to: Legal Officer (Service) and Legal Officer, Chief Office, Chennai
Copy to: Administrative Officer (R&T), Chief Office, Chennai.
Copy to: Stock File

/t.c.f.b.o/

[Signature] 11/4/2026
Asst. Inspector General of Police,
(Law & Order)



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ANNEXURE

Dist / City

PS / Sub Division

CSR No

Date of issue of CSR

NOT TRACEABLE CERTIFICATE

1	Petitioner Name, Father Name with full Address	
2	Photo of the petitioner	
3	Petitioner Mobile Number	
4	ID card details (Aadhar/Driving Licence/ Pan card)	
5	Date of the paper publication and News paper details	
6	Details of missing document/s: a) Document Number: b) Year: c) Book No: d) Sub Registrar Office: e) Copy of the missing document: (Signed and stamped in every page by the SHO)	Enclosed.

This is to certify that the above document / documents are Non - Traceable although reasonable efforts has been taken to trace the above missing documents.

Place

Date

Signature and Seal of the SHO



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6.Considering the submissions made, it is seen that the petitioner Trust is one of the well known oldest Trust continuing with its religious and social activities. The document pertains to the year 1940 and when the document was found missing, complaint was immediately lodged and following the directions of the Director General of Police in the Circular in Rc.No.2029209/General.1(1)/2022 dated 01.04.2022, the petitioner had taken paper publication and filed affidavit, obtained encumbrance certificate and obligations of the circular complied with. Now, it is for the respondent police to further complete the procedures as contemplated in the circular of the Director General of Police. This circular came to be issued on the orders of this Court in Crl.O.P.No.3307 of 2022 since that the public/citizens are finding it difficult to get non-traceable certificate so that the certified copy of the lost document can be dealt with as primary document. The Police throughout the State were following different procedures and hence, to follow uniform pattern of procedure, this circular was issued. It is seen that complaint was lodged on 25.03.2024 and almost more than two years have passed by, therefore the act of the respondent police is nothing but a sheer callousness shown in issuance of non-traceable certificate which is not



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proper. In view of the same, this Court directs the respondent police to follow the circular in Rc.No.2029209/General.1(1)/2022 dated 01.04.2022, complete the enquiry and issue non-traceable certificate to the petitioner within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this period of four weeks is only an outer limit.

7.With the above directions, this Writ Petition Criminal stands disposed of. No costs.

17.03.2026

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
cse



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To

1.The Inspector of Police (Crime),
Teynampet Police Station,
Teynampet,
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2.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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