

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 3045 of 2015 (E)

PETITIONER :

**JUSTINE JOSE, AGED 27 YEARS, S/O.JOSE,
PAYIKKATTUPUTHENPURAYIL HOUSE, RAMAPURAM P.O.,
KOTTAYAM DISTRICT. PIN- 686 591.**

BY ADV. SRI.JACOB E SIMON

RESPONDENT(S):

- 1. THE SUB REGISTRAR/MARRIAGE OFFICER,
SUB REGISTRAR OFFICE, RAMAPURAM, RAMAPURAM P.O,
KOTTAYAM DISTRICT. PIN- 686 591.**
- 2. INSPECTOR GENERAL OF REGISTRATION,
VANCHIYOOR, THIRUVANANTHAPURAM- 595 035.**
- 3. THE STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
TAX (REGISTRATION) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.PIN- 695 001.**

R1 TO R3 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE PASSPORT OF THE JULIE MATHEW.
- EXHIBIT P2. COPY OF THE REGISTRATION OF OVERSEAS CITIZEN OF INDIA OF THE JULIE MATHEW.
- EXHIBIT P3. COPY OF THE MARRIAGE SUBMITTED BEFORE THE FIRST RESPONDENT AS PER THE PROVISIONS OF SECTION 5 OF THE SPECIAL MARRIAGE ACT 1954 ON 15.01.15.
- EXHIBIT P4. COPY OF THE SAID REJECTION ORDER OF THE FIRST RESPONDENT NUMBERED AS 26/2015 DATED 15.01.15.
- EXHIBIT P5. COPY OF THE CERTIFICATE ISSUED BY THE REGISTRAR OF VITAL STATISTICS OF THE DEPARTMENT OF STATE HEALTH SERVICES OF TEXAS STATE DATED 27.01.15.
- EXHIBIT P6. COPY OF THE NOTARIZED AFFIDAVIT OF JULIE MATHEW REGARDING HER SINGLE STATUS DATED 15.01.15.
- EXHIBIT P7. COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPC 24086 OF 2014.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.3045 of 2015

Dated this the 30th day of January, 2015

JUDGMENT

The petitioner, who is an Indian citizen, intends to marry a girl, by name Julie Mathew, who is a U.S. National of Indian origin, in the first week of March, 2015 under the Special Marriage Act. The petitioner has given Ext.P3 notice of intended marriage before the 1st respondent, but the same has been rejected vide Ext.P4 order stating that as per letter No.8201/E/2012 D dated 16.07.2014 issued by the Government and letter No.RR 3. 25537/2000 dated 08.08.2014 issued by the 2nd respondent, solemnization of marriage with a foreign citizen under the provisions of the Special Marriage Act, 1954 is not allowed.

2. Heard the learned Government Pleader as well.

3. The point stands answered in favour of the petitioner, vide judgment of this Court in WP(C) No.22261 of 2014. Obviously, the difficulty experienced by the Marriage Officer is on

account of the non-appointment of Marriage Officer in Foreign countries so as to comply with the procedures under Section 5 & 6(3) of the Special Marriage Act. Notice under Section 5 is mandatory. Certainly, the purpose of such notice is to verify the credentials and identity of the Foreign National who intends to marry an Indian National. In the absence of appointment of marriage officer in a country to which the Foreign National belongs, notice as contemplated under Sections 5 and 6(3) cannot be issued. This Court in WP(C) No.22261 of 2014 has held that, the purpose can be achieved in a credible manner, if a certificate from the Consulate General of the Country of Origin is produced. In this case, the petitioner places reliance on Exts.P1,P2,P5 and P6 to satisfy the purpose of notice.

The writ petition is disposed of, directing the first respondent to accept Ext.P3 and to take further steps to cause the intended marriage to be registered, between the petitioner and the intended person, in terms of the relevant provisions of law, subject to production of 'Single Status Certificate' before the said respondent and on satisfaction of all the requirements under

the Special Marriage Act.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the first respondent, for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE**

sp