

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7730/2015 & MP.No.1/2015

S.Rajalakshmi

..Petitioner

Versus

1.The Joint Sub Registrar
District Registrar Office
Chennai Central, Chennai-14.

2.The Inspector General of Registrar
Santhome High Road, Mandaveli,
Chennai.

3.Mr.V.Pradeep Kumar

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records, files relating to and the order made in Na.Ka.No.4553/2014 dated 20.05.2014 by the 1st respondent as per the Circular No.7/2013 dated 28.10.2013 issued by the 2nd respondent and to quash the same and to direct the 1st respondent to record the judgment and decree dated 25.11.2013 made by the Principal Family Court in OS.No.229/2012 and cancel the marriage registered by the 1st respondent in Sl.No.746/2008 dated 13.11.2008 on the file of the Marriage Registrar, Chennai Central, [Sub Registrar, Chennai Central office].

For Petitioner : Mr.K.S.Sundar

For RR 1 & 2 : Mr.V.Jayaprakash Narayanan, Spl.GP

ORDER

Heard Mr.K.S.Sundar, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader accepting notice for the respondents 1 and 2 and with their consent, the writ petition is disposed of at the admission stage itself.

2.Since the writ petition is disposed of at the admission stage itself, the notice to the 3rd respondent is dispensed with as the allegations made by the petitioner as against the 3rd respondent are not gone into.

3.The petitioner has filed this writ petition praying for issuance of a writ of certiorarified mandamus to quash the proceedings of the 1st respondent refusing to entertain for registering the Cancellation of Marriage Certificate based on the Judgment and Decree passed in OS.No.229/2012 dated 25.11.2013 by the Principal Family Court, Chennai, by referring to the Circular issued by the 2nd respondent dated 28.10.2013.

4.The petitioner sought for a declaration that her marriage, held on 13.11.2008, said to have been made to the 3rd respondent, was not solemnised and that the marriage registered in Sl.No.746/2008 before the 1st respondent is null and void. The Family Court, which heard the matter, decreed the suit as prayed for, consequently the registration of the marriage in Sl.No.746/2008 dated 13.11.2008 on the file of the 1st respondent has been declared as null and void. The petitioner further states that as against the said Judgment and Decree, the 3rd respondent has not filed any appeal petition before this Court. All that the petitioner seeks for, is to register the decree and accordingly, delete the entry or make appropriate entries showing that the registration of the marriage has been declared as null and void. The 1st respondent refused to entertain the same by referring to the Circular issued by the 2nd respondent dated 28.10.2013. The Circular cannot have a statutory force and at best, it can only be a guideline for the 1st respondent to regulate the affairs of the office of the Sub Registrar. Further, the Circular also does not state that the document cannot be accepted for registration; but has been issued with a view to verify the genuineness so that false claims are not registered. In the instant case, it cannot be stated that the claim made by the petitioner is false. The petitioner is said to have produced certified copy of the judgment and decree in OS.No.229/2012. The 1st respondent cannot expect that the registering authority should be made as a party to the proceedings, more particularly, when the proceedings is before the Family Court.

5.Accordingly, the writ petition is allowed and the order passed by the 1st respondent dated 20.05.2014 in Na.Ka.No.4553/2014 is quashed and the matter is remanded back to the 1st respondent with a direction to accept the certified copy of the Judgment and Decree made in OS.No.229/2012 dated 25.11.2013 passed by the Principal Family Court, Chennai, and register the decree in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6.The writ petition is partly allowed with the above direction.
No costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

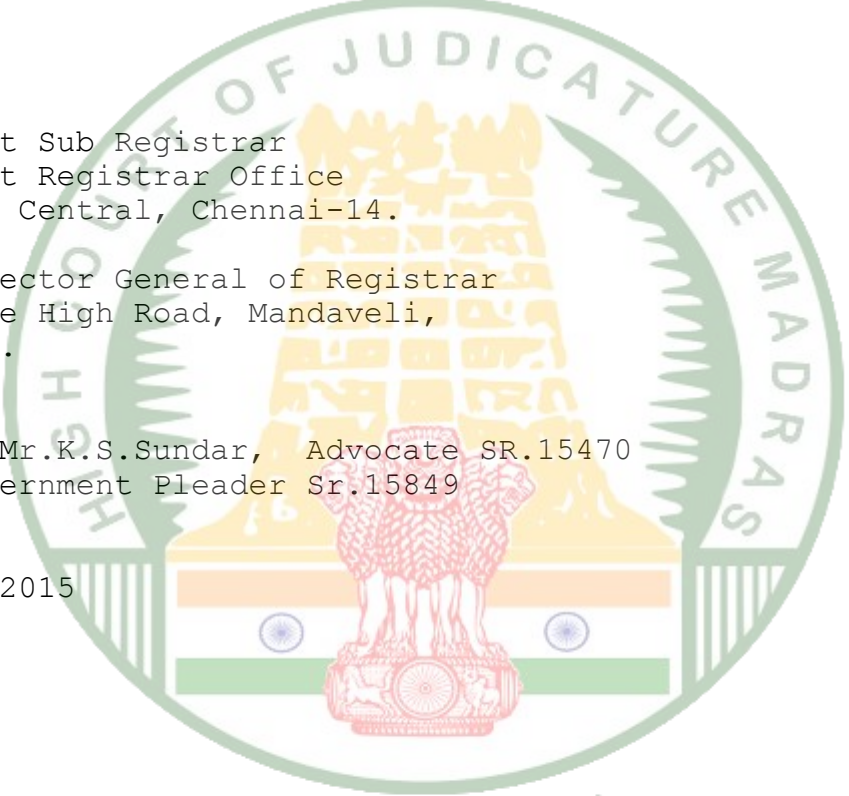
1.The Joint Sub Registrar
District Registrar Office
Chennai Central, Chennai-14.

2.The Inspector General of Registrar
Santhome High Road, Mandaveli,
Chennai.

+ 1 cc to Mr.K.S.Sundar, Advocate SR.15470
+ 1 cc Government Pleader Sr.15849

PA(CO)
EU 07.04.2015

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