



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.08.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.15495 of 2015

J.Alldrin Airmarshal @ Thayaram

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o. Inspector General of Registration,
Santhome High Road,
Chennai.

2.The Deputy Inspector General of Registration,
O/o.Deputy Inspector General of Registration,
Palayamkottai Road,
Tirunelveli.

3.The District Registrar,
O/o.District Registrar,
Tuticorin.

3.The Sub-Registrar,
O/o.Sub-Registrar,
Melur,
Tuticorin.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to Athi.Mu.No.33/2014, dated 06.05.2015 and quash the same and consequently direct the Sub-Registrar, Melur, Tuticorin, the fourth respondent herein to take the application of the petitioner on file to register his marriage solemnized on 30.03.2015 by considering the representations dated 07.05.2015 and 20.05.2015 as per the Tamil Nadu Hindu Marriage(Registration) Rules, as amended by 2007 Compulsory Registration of Marriage Rules.

For petitioner : Mr.S.Siva Thilakar

For Respondent s : Mr.M.Murugan,
Government Advocate

ORDER

This Writ Petition has been filed praying for a Writ of Certiorarified Mandamus calling for the records relating to Athi.Mu.No.33/2014, dated 06.05.2015 and quash the same and consequently direct the Sub-Registrar, Melur, Tuticorin, the fourth respondent herein to take the application of the petitioner on file to register the marriage of the petitioner, which was solemnized on 30.03.2015 by considering the representations, dated 07.05.2015 and 20.05.2015, as per the Tamil Nadu Hindu Marriage(Registration) Rules, as amended by 2007

Compulsory Registration of Marriage Rules.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up final disposal.

4. The case of the petitioner is that he is a practising Advocate at Tuticorin. His marriage was solemnized on 30.03.2015 as per Hindu Rites and Customary Practice at Vadapalani Murugan Temple, Chennai. The petitioner and his wife are Hindu by birth. But, the name of the petitioner seems to be reflecting Christianity, a mistake which crept in the school register stating that the petitioner is a christian. The parents of the petitioner were not aware of the inadvertent mistake. In such circumstances, after his marriage, the petitioner approached the fourth respondent to register his marriage, which was solemnized on 30.03.2015. But the application submitted by the petitioner was returned for the following reasons:

a) As per Section 5 of the Hindu Marriage Act 1955, 'a marriage solemnized between any two Hindus' alone can register the marriage under Section 8 of the said Act.

b) That the Transfer certificate of petitioner shows him as 'Christian'.

c) That the certificate should be obtained from Tahsildar to show that the petitioner is a Nadar by caste and has to be annexed and that the Sub-Registrar has to have subjective satisfaction.

Therefore, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. The learned counsel for the petitioner submitted that since the Transfer Certificate of the petitioner shows him as Christian, subsequently, the petitioner took conversion to Hinduism, which is evident from the Gazette Notification of Tamil Nadu, dated 19.09.2013. But the authority concerned without looking into the Gazette Notification, dated 19.09.2013, has passed the impugned order. Therefore, the petitioner filed the Writ Petition to quash the said order.

6. I have heard the submissions of the learned Government Advocate also.

7. Considering the submissions made on both sides, this Court is constrained to pass the following order:

Without going into the merits of the claim made by the petitioner, this Court directs the fourth respondent to consider the application submitted by the petitioner by taking note of the gazette notification, dated 19.09.2013 and pass appropriate orders, by affording an opportunity of hearing to the petitioner and his wife, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not

expressed any opinion on the merits of the case and it is for the fourth respondent to consider and pass orders, purely on merits and in accordance with law.



With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

pm
To

- 1.The Inspector General of Registration,
O/o. Inspector General of Registration,
Santhome High Road, Chennai.
- 2.The Deputy Inspector General of Registration,
O/o.Deputy Inspector General of Registration,
Palayamkottai Road, Tirunelveli.
- 3.The District Registrar,
O/o.District Registrar, Tuticorin.
- 4.The Sub-Registrar,
O/o.Sub-Registrar, Melur, Tuticorin.

+one cc to Mr.S.Siva Thilakar, Advocate in SR.No.49395
+one cc to The Special Government Pleader, SR.No. 49697

W.P(MD) .No.15495 of 2015
27.08.2015

CSL/SKS-RR/SAR(J)/07.09.2015
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