

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2016

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.27884 of 2015

and

M.P.No.2 of 2015

V.Divya

.. Petitioner

-vs-

1.Marriage Registrar,
District Registrar Office,
Chennai North,
Chennai-600 001.

2.M.Santhosh (Alias) Maria Santhosh

3.J.John Amulraj

.. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari calling for the records on the file of the first respondent in Form III - Certificate of Registration of Marriage dt. 12.11.2012 entered at Serial No.79/2012 of Register of Marriages maintained under Tamil Nadu Registration of Marriages Act 2009 and quash the same as being illegal, invalid, issued on the basis of bogus certificate by the second respondent.

For Petitioner :: Mr.R.Senniappan

For Respondents :: Mr.R.M.Muthukumar,
Government Advocate
for R1

ORDER

This writ petition has been filed to quash the Form III - Certificate of Registration of Marriage dt. 12.11.2012 entered at Serial No.79/2012 of Register of Marriages maintained under Tamil Nadu Registration of Marriages Act 2009, which has been issued by the first respondent, as illegal, stating that the same was issued on the basis of bogus certificate by the second respondent.

2.It is stated by the petitioner in the affidavit filed in support of this writ petition that she was studying BE degree course in Loyola Institute of Technology in DMI College Campus, Palanjur near Poonamallee, Chennai during the year 2009-2013 and she used to travel by bus from her native place to the place of college. The second respondent also used to travel from a certain point and he became a known person to the petitioner. While so, taking advantage of the friendship, the second respondent requested the petitioner to come to the office of the first respondent along with xerox copies of Family Ration Card and educational certificates in connection with registration of an important document. Without giving any thought, she went to the office of the first respondent where she was made to sign certain documents. Thereafter she was forcibly taken inside the office of the

first respondent where she was asked to sign certain registers. She could not understand what was happening, as there was no enquiry in the office of the first respondent. Thereafter she was sent to her native place with a stern warning that she should not reveal this incident to her parents or anyone. Thereafter, after a period of 11 months, the petitioner and her family received a call from J3 Guindy Police Station asking them to come to the Police Station in connection with a complaint lodged by the second respondent alleging that the petitioner is his wife and she is kept under detention by her parents. Thereafter, the petitioner and her parents went to the Police Station where, enquiry was conducted. They were asked by the police to come to this Court for being produced in connection with an Habeas Corpus Petition filed in HCP No.2975 of 2013 by the second respondent. In the enquiry made by this Court in the said Habeas Corpus Petition, she has taken a firm decision not to go with the second respondent herein, who claimed to be her husband, and she would go only with her parents, and accordingly, she was sent to her parental home. After the proceedings of the Habeas Corpus Petition were over, the petitioner's relative approached the office of the first respondent where he got copies of the Certificate of Marriage issued by J.John Amulraj, the Marriage Registrar and the Certificate of Registration of Marriage issued by the first respondent, bearing Sl.No.79 of 2012. On seeing these documents, the petitioner was shocked. The petitioner states

that she had never been to the address of the third respondent at No.154, Angappa Naicken Street, Chennai-600001 on 12.11.2012 as entered in the bogus certificate of marriage.

3.With these background facts, she filed this writ petition with the prayer, as already stated supra.

4.The learned counsel for the petitioner relied on an order passed by this Court in W.P.No.25431 of 2014 dated 22.02.2016, in support of the prayer made in the writ petition.

5.Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the first respondent and perused the records carefully and meticulously.

6.In the decision of this Court in W.P.No.25431 of 2014 dated 22.02.2016, which has been relied upon by the learned counsel for the petitioner, in paragraph-8, the detailed order passed by a Division Bench of this Court in (2014) 7 MLJ 651 (S.Balakrishnan Pandiyan v. Superintendent of Police), has been referred, and in that writ petition, the impugned certificate of Registration of Marriage therein, was set aside and the matter was remanded back to the Sub-Registrar, with a direction to pass appropriate orders by conducting enquiry in the light

of the directions issued by the Division Bench of this Court in (2014) 7 MLJ 651 (S.Balakrishnan Pandiyan v. Superintendent of Police), within a period of four weeks from the date of receipt of a copy of the order.

7.Following the same, Form III - Certificate of Registration of Marriage dated 12.11.2012 entered at Serial No.79/2012 of Register of Marriages maintained under Tamil Nadu Registration of Marriages Act, 2009, which is impugned in the present writ petition, is set aside and the matter is remanded back to the first respondent, with a direction to pass appropriate orders by conducting enquiry in the light of the directions issued by the Division Bench of this Court in **(2014) 7 MLJ 651 (S.Balakrishnan Pandiyan v. Superintendent of Police)**, within a period of four weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No

10.06.2016

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To

The Marriage Registrar,
District Registrar Office,

Chennai North,
Chennai-600 001.

R.MAHADEVAN, J.

KM

W.P.No.27884 of 2015
and
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