

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14535 of 2016

K.Rajalakshmi

... Petitioner

vs.

1.The Inspector General of
Registration,
100, Santhome High Road,
Pattinappakkam, Chennai-28.

2.The District Registrar (Admin),
North Madras Registration Division,
Chennai-1.

3.The Sub Registrar, Marriages,
North Chennai Registration District,
Chennai-1.

4.Lokesh Kirupathamoorthi

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent herein to consider the representation dated 14.12.2015 received on 17.12.2015 and hold an enquiry and pass orders in accordance with the guidelines and time limited set out in Circular No.67 dated 3.11.2011 bearing C.No.52338/C1/2011 issued by the office of the first respondent herein and judgment passed by this Court in W.P.No.15459 of 2012 order dated 20.3.2014.

For Petitioner : Mr.K.V.Babu

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader,
for R.1 to R.3

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent herein to consider the representation dated 15.12.2015 received on 17.12.2015 and hold an enquiry and pass orders in accordance with the guidelines and time limit set out in Circular No.67 dated 3.11.2011 bearing C.No.52338/ C1/2011 issued by the office of the first respondent herein and in the light of the judgment passed by this Court dated 20.3.2014 made in W.P.No.15459 of 2012.

2. The case of the petitioner, in brief, is as follows:-

(a) The petitioner has completed her graduation from Arunai College, Thiruvannamalai. During her graduation, through her friend Sivaranjini, she was acquainted with her brother Lokesh, the fourth respondent herein. When the fourth respondent expressed his intention to marry her, she refused the same and stayed away from the fourth respondent since she was not interested in his proposal.

(b) After she came to Chennai, on 15.10.2015 the fourth respondent contacted the petitioner and requested her to sign as a witness to the wedding of his relative one Sundaravadivel, whose parents were not consenting to his wedding. Initially, though the petitioner was very hesitant, later, she agreed to sign as a witness. Thereafter, on 19.10.2015, she went to the office of the third respondent and affixed her signature in the places pointed out to her and left the place. Subsequently, the fourth respondent started representing his friends that the petitioner married him. When she questioned about the same, the fourth respondent told her that the papers signed by her on 19.10.2015 were for registering her marriage with him. Further, he stated that by using the said marriage certificate, he could stop her marriage with any other person.

(c) Immediately, the petitioner went to the office of the third respondent and perused the records and found that the marriage was recorded under Marriage Sl.No.4497/2015 dated 19.10.2015. Further more, the fourth respondent fraudulently represented as if her marriage with him was solemnized at Muchandhi Vinayagar Temple situated at No.309, Thambu Chetty Street, Mannady, Chennai-1 on 19.10.2015. On enquiry, she came to understand that the said temple does not even solemnize weddings. Gravely aggrieved over the act of the fourth respondent, the petitioner made a representation dated 14.12.2015 to the respondents 2 and 3 seeking to cancel the marriage fraudulently registered. However, the said representation has not been considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition.

3. Learned counsel appearing for the petitioner submitted that as per Circular No.67 dated 3.11.2011 bearing C.No.52338/C1/2011 issued by the first respondent, whenever a complaint regarding fraudulent registration is received, the same has to be forwarded to the second respondent and the second respondent shall conduct an enquiry by summary procedure and shall complete the same within a maximum period of two months. He has further submitted that the said observation has also been laid down by this Court in the order passed in W.P.No.15459 of 2012. Despite the order of this Court and the circular issued by the first respondent, the respondents 2 and 3 have not chosen to institute any proceedings till date. Hence, he seeks a direction to the second respondent to consider the representation dated 15.12.2015 received on 17.12.2015 and hold an enquiry and pass orders in accordance with the guidelines and time limit set out in Circular No.67 dated 3.11.2011 bearing C.No.52338/C1/2011 issued by the office of the first respondent herein and judgment passed by this Court in W.P.No.15459 of 2012 order dated 20.3.2014.

4. I have heard the learned Special Government Pleader, who has taken notice on behalf of the respondents 1 to 3.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to conduct an enquiry on the representation made by the petitioner dated 14.12.2015, by affording an opportunity of personal hearing to the petitioner as well as to the fourth respondent and other necessary parties, if any, and pass appropriate orders 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 with regard to merits of the claim projected by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sbi

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To

- 1.The Inspector General of
Registration,
100, Santhome High Road,
Pattinappakkam, Chennai-28.
- 2.The District Registrar (Admin),
North Madras Registration Division,
Chennai-1.
- 3.The Sub Registrar, Marriages,
North Chennai Registration District,
Chennai-1.

1 cc to M/s.K.V. Babu, Advocate, Sr. 24446
1 cc to Government Pleader, Sr. 24528

W.P.No.14535 of 2016

CTK (CO)
kk 29/4



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