

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.09.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.10360 of 2013

Praveen Kumari

.. Petitioner

Vs.

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome,
Chennai-600 028.

2.The Sub Registrar,
Royapuram,
Chennai-600 013.

3.Murugan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 1 and 2 to cancel the fake marriage registration certificate No.S.L.No.1728/2011, dated 9.6.2011.

For Petitioner : No appearance

For Respondents : Mr.K.Rajendra Prasad,
GA for RR1 and 2

Dismissed in respect of R-3

ORDER

There is no representation on behalf of the petitioner.
Heard the learned counsel appearing on behalf of the respondents 1 and 2.

2 This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents 1 and 2 to cancel the fake marriage certificate, registered by the second respondent.

3 The petitioner has stated that the third respondent had fallen in love with the petitioner. He had taken the petitioner to the second respondent Office, on 9.6.2011. Even though the petitioner had refused to marry the third respondent, at that time, the second respondent had registered the marriage between the petitioner and the third respondent, based on some signed papers taken from the petitioner, earlier. As such, the registration of the marriage between the petitioner and the third respondent, by the second respondent, is illegal and void in the eye of law. In such circumstances, the petitioner has made a representation to the second respondent to cancel the registration of the marriage, bearing Registration No.1728/2011, based on the circular issued by the first respondent, bearing Circular No.67, dated 03.11.2011. Since no action had been taken, by the second respondent, to cancel the fake marriage registration certificate, the petitioner had preferred the present writ petition, before this Court, under Article 226 of the Constitution of India.

4 The learned counsel appearing on behalf of the respondents 1 and 2 had submitted that the relief prayed for by the petitioner in the present writ petition, cannot be granted, by this Court, as it is for the petitioner to seek her relief, before the Family Court concerned or by way of filing a civil suit, for declaring the registration of the marriage as null and void. The second respondent had registered the marriage between the petitioner and the third respondent, in the presence of the parties concerned and after the consent given by them.

5 It is noted that, by an order, dated 17.8.2015, this Court had dismissed the writ petition, insofar as it relates to the third respondent.

6 In view of the submissions made by the learned counsel appearing for the respondents 1 and 2 herein and on a perusal of the records available, this Court is of the considered view that the petitioner has not made out a case for the grant of the relief prayed for by her, in the present writ petition. Further, it has been stated that the petitioner, as well as the third respondent were present before the second respondent and the registration of their marriage had been done, with their consent. As such, it is not open to the petitioner to seek a direction from this Court, to cancel the marriage registration certificate, issued by the second respondent.

7 In such circumstances, this Court is of the view that the present writ petition, filed by the petitioner, is devoid of merit. Hence, the writ petition stands dismissed. However, it goes without saying that it may be open to the petitioner to

seek her relief, if any, before the appropriate forum, in the manner known to law, if so advised. No costs.

Sd/-
Asst. Registrar.

/true copy/

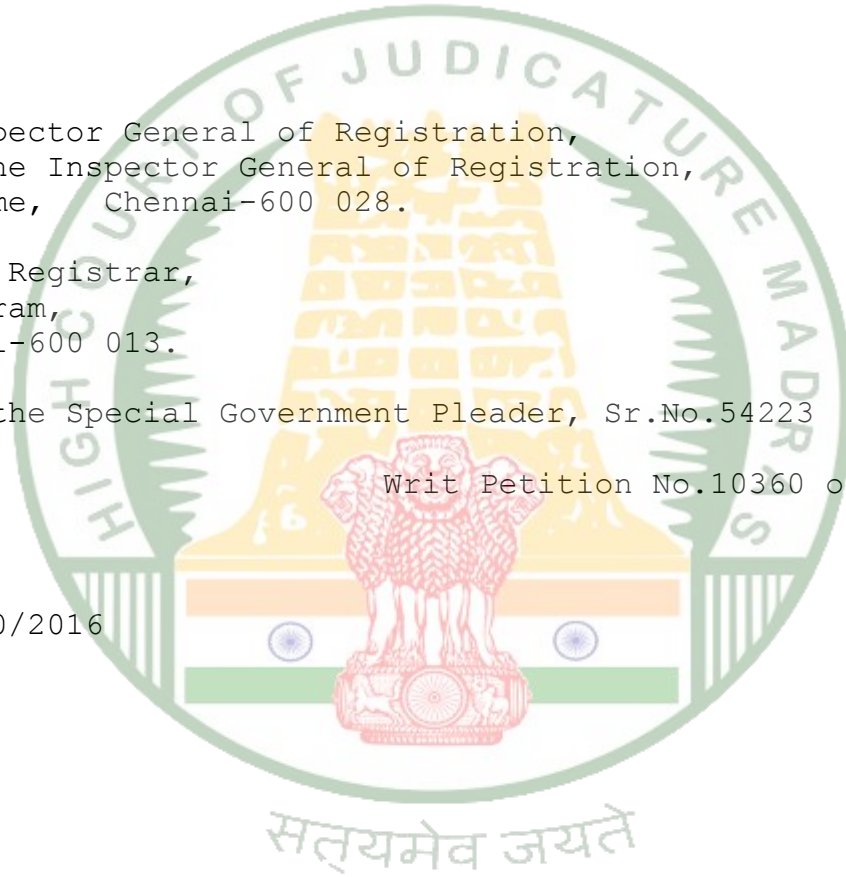
Sub Asst. Registrar.

vvk

To

- 1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome, Chennai-600 028.
 - 2.The Sub Registrar,
Royapuram,
Chennai-600 013.
- +1 CC to the Special Government Pleader, Sr.No.54223
- Writ Petition No.10360 of 2013

RJ (CO)
MD : 14/10/2016



WEB COPY