

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19815/2016

D.Chandraleka

..Petitioner

Versus

1.The District Registrar
Cuddalore-2, Cuddalore District.

2.The Joint Sub Registrar II
Cuddalore-2, Cuddalore District.

3.C.Muralidharan ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records relating to the impugned certificate of Marriage in Sl.No.599/2016 dated 04.04.2016 on the file of the 2nd respondent, quash the same and consequently direct the 2nd respondent to delete, cancel and remove the S.No.599/2016 dated 04.04.2016 the marriage records in the office of the 2nd respondent.

For Petitioner : Mr.N.Manokaran

For R1 & R2 : Mr.R.Vijayakumar, AGP

For R3 : Mr.R.Kumaravel

सतममेन जयते
ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims that she is aged about 19 years and joined B.A. [Tamil] in Bharathi College in Kallakurichi during the academic year 2015-16 and according to her, the 3rd respondent was her classmate in Higher Secondary courses, for having studied together in the Government Higher Secondary School, Pudupattu. The petitioner, on 04.04.2016, after getting the Hall Ticket for writing Semester Examinations for II year B.A., was waiting at Sankarapuram Bus Stop. The 3rd respondent being her schoolmate and also a distantly relative to her, had approached her and requested her to have cool drinks in the nearby shop and also promised her to take her to the Village. The petitioner accordingly

consumed the cool drink and became unconscious for some time and after an hour, she woke up and found the 3rd respondent and two of friends took some photographs with the help of the cellphones and forced her to agree for registration of the marriage with the 3rd respondent and though it was opposed by the petitioner, she was criminally intimidated and threatened with dire consequence and therefore, left with no other option, she was made affix her signature and thereafter, she was allowed to go out. It is further stated that within few days thereafter, the 3rd respondent started stating that he had already married her and it was registered in Sl.No.599/2016 on 04.04.2016 and also threatened the petitioner that if she disclose the fact, he would expose her to the world and tarnish her name and image. Thereafter, the petitioner applied and obtained a certified copy of the Registration of Marriage on 25.04.2016 and immediately submitted a representation dated 29.04.2016 to the respondents 1 and 2 to cancel the fraudulent registration of the alleged Marriage Certificate dated 04.04.2016. The 2nd respondent on receipt of the said report, sent a reply on 02.05.2016 directing the petitioner avail the remedy before the concerned Court since there is no provision available under the Indian Registration Act for cancellation of the Marriage Registration Certificate.

3 The petitioner would further allege that the entire episode is the handy work of one Kalappur Thirumanam Social Welfare Association formed by a handful of persons and the Advocates engaged by the 3rd respondent had manipulated the records and managed to register the disputed marriage Registration Certificate in the 2nd respondent office at Cuddalore District. It is the specific case of the petitioner that neither the marriage nor the ceremonies associated with

the marriage have been performed and as such, the alleged marriage and registration is per se null and void and therefore, she came forward to file the present writ petition for quashment of the impugned Certificate of Marriage dated 04.04.2016 of the 2nd respondent with a consequential direction.

4 Mr.N.Manokaran, the learned counsel for the petitioner would plea that since the girl / petitioner is aged about 19 years and hailing from a village and believing the representation of the 3rd respondent, she took the drink which was laced with some tranquilizers and became unconscious and under threat and coercion, the marriage came to be registered though there was no actually a marriage took place with the required ceremonies and the 3rd respondent has also filed a counter affidavit, admitting the said fact and hence, there cannot be any impediment on the part of this Court to cancel the Marriage Certificate issued to the petitioner and prays for appropriate orders.

5 The 3rd respondent has filed a counter affidavit and it is relevant to extract the following paragraphs:-

".....

3 I state that in view of the mediation held between the parties at the instance of our close relatives and well-wishers, the writ petitioner and myself have entered into a deed of Cancellation of the marriage on 29.04.2016 before the Notary Advocate at Kallakurichi. I submit that without any marriage or ceremonies or even exchange of garlands, we have registered the marriage before the 2nd respondent on 04.04.2016.

4 I state that I am not going to traverse the averments made in the affidavit or to dispute the allegations made therein by taking note of the future of the petitioner and myself. I have not been properly advised before venturing into the registration process. Otherwise, I would not have chosen to register the unperformed marriage before the 2nd respondent.

5 I state that I have no objection to cancel the Certificate of Marriage dated 04.04.2016 registered in Serial No.599/2016 on the file of the 2nd respondent and to delete the said entries from the Marriage Register being maintained in the office of the 2nd respondent. I undertake that I will not interfere in the life of the writ petitioner in future.

Therefore, I pray this Hon'ble Court to cancel the Certificate of Marriage dated 04.04.2016 registered in Serial No.599/2016 on the file of the 2nd respondent and to delete the said entries from the Marriage Register being maintained in the office of the 2nd respondent and thus render justice."

6 This Court has carefully considered the rival submissions and also perused the materials placed before it.

7 This court, in exercise of the jurisdiction under Article 226 of the Constitution of India, in dealing with Habeas Corpus Petitions, is regularly coming across the production of the Marriage Registration Certificates to show that the marriage took place between two willing parties out of their own volition and later on, the aggrieved party approaches this Court by filing these kind of writ petitions, stating that the marriage was solemnised and registered

against the wishes. In the considered opinion of the Court, the Inspector General of Registration, Santhome, Chennai-4, shall look into these kind of allegations and shall issue necessary Circulars / Administrative instructions and direct the jurisdictional Sub Registrar, to apply the relevant norms and regulations very strictly before registration of such kind of marriages. Insofar as the facts of the case on hand is concerned, it seems that one "Kalappu Thirumanam Social Welfare Association at Cuddalore with the aide of persons claimed to be Advocates, is indulging in these kind of things and therefore, the Superintendent of Police, Cuddalore District, is directed to take appropriate steps in this regard and see to that such kind of unlawful and illegal activities are not carried on, especially for the reason that the future of the girls like the petitioner is in peril and so also the honour and reputation of the family concerned.

8 In the light of the stand taken by the 3rd respondent in the counter affidavit, as extracted above, there cannot be any impediment on the part of this Court to allow the writ petition, especially taking into consideration the plea made by the learned counsel for the petitioner that to give a quietus to the matter and also for the future welfare of the petitioner, such an order is required.

9 In the result, the writ petition is allowed and the proceedings of the 2nd respondent in Sl.No.599/2016 dated 04.04.2016 is quashed. The 2nd respondent is directed to delete, cancel and remove Sl.No.599/2016 from the Marriage Records maintained in his office. It is made clear that the order is passed in this writ petition after taking into consideration the peculiar facts and circumstances of the case and it cannot be cited as a precedent in any other case in future. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Registrar
Cuddalore-2, Cuddalore District.
- 2.The Joint Sub Registrar II
Cuddalore-2, Cuddalore District.

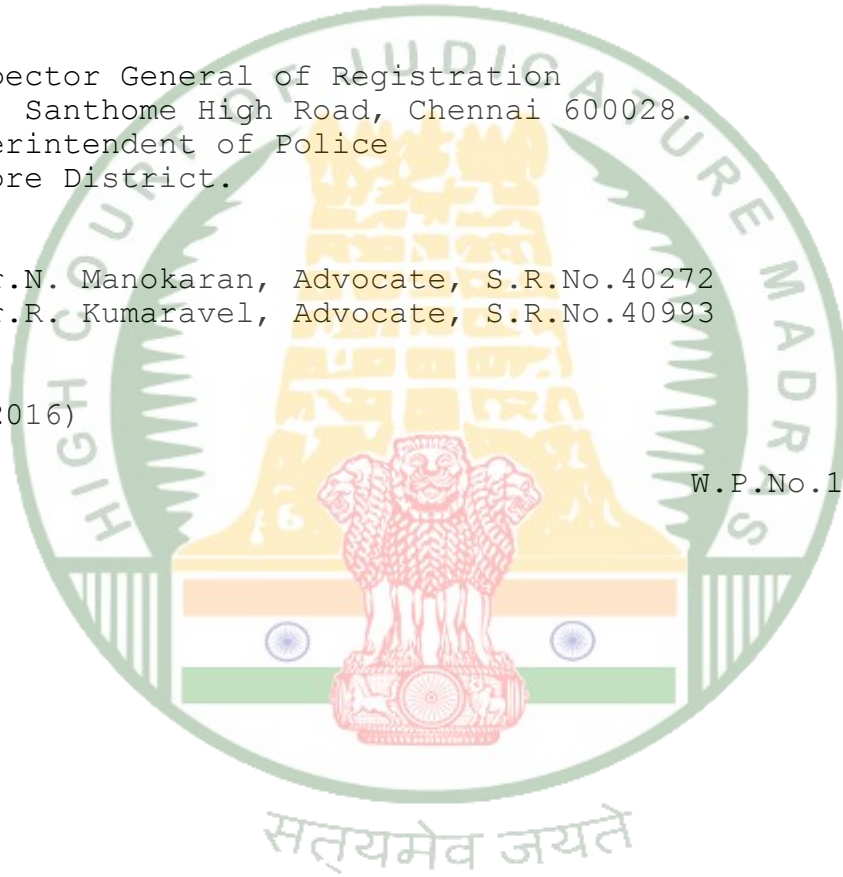
Copy to:-

- 1.The Inspector General of Registration
No.128, Santhome High Road, Chennai 600028.
- 2.The Superintendent of Police
Cuddalore District.

+1cc to Mr.N. Manokaran, Advocate, S.R.No.40272
+1cc to Mr.R. Kumaravel, Advocate, S.R.No.40993

SR(CO)
EU(05/08/2016)

W.P.No.19815/2016



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