



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P (MD) No.13717 of 2016

R.K.Basker

.. Petitioner

Vs.

- 1.The Government of Tamilnadu
Rep. by its Chief Secretary
Fort St. George, Secretariat,
Chennai.
- 2.The Inspector General of Registration
No.100, Santhome High Road,
Pattinapakkam, Chennai.
- 3.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai.
- 4.The Director General of Police
Tamilnadu, Chennai.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent herein to issue circular to all the Registration Department (Marriage), all the Hindu Temples and the police Department, directing which are all under the control of the respondents 2 to 4 respectively that every marriage should be compulsorily registered under the Tamilnadu Registration of Marriages Act, 2009 and if the marriages are not registered, all government benefits should be stopped to the married young couple and only then, it will reduce the honour killings, parents suicide, kidnapping of right people's girls and demanding of lumpsum money, communal clashes, divorces by considering the representation dated 05.07.2016.

For Petitioner
For Respondents

: M/s.S.M.Mugamed Salim
: Mr.M.Govindan
Special Government Pleader



ORDER

(Order of the Court was made by **S.NAGAMUTHU, J.**)

The petitioner has come up with this public interest litigation seeking a direction to the Registration Department and all the Hindu Temples, Police Department that the marriages should be compulsorily registered under the Tamil Nadu Registration of Marriage Act, 2009 and if the marriages are not registered, all Government benefits should be stopped to the married young couple.

2. We have heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and we have also perused the records.

3. The Tamil Nadu Registration of Marriages Act, 2009 (hereinafter referred to as 'the Act') has come into force in this State with effect from 24.11.2009. As per Section 3 of the said Act, every marriage performed on and from the date of commencement of this Act shall be registered under this Act notwithstanding the fact that the said marriage had been entered in the marriage registers governed by any other personal laws of the parties to the marriage or custom or usage or tradition.

4. There is also a provision under Section 14 of the Act, if any person omits or neglects to deliver or send the memorandum as required by Section 5, for the purpose of registration, he can be punished, convicted and sentenced to undergo imprisonment, which may extend to three months or with a fine, which may extend to Rs.1,000/- or both. Therefore, it is inferable that it is absolutely mandatory for the parties to enter into registration for registering the marriage and if the marriage is not registered, the consequences stated in the Act would fall. But, at the same time, on vague allegations made, we cannot pass a vague order in a very general term directing the respondents to implement the Act. When once an Act is brought into force in the statute, the same is to be implemented and the same is to be followed by the parties concerned. Therefore, no direction as prayed for by the petitioner is required in the matter.

5. In such view of the matter, this petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar



To

1.The Chief Secretary
Government of Tamilnadu
Fort St. George, Secretariat,
Chennai.

2.The Inspector General of Registration
No.100, Santhome High Road,
Pattinapakkam, Chennai.

3.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai.

4.The Director General of Police
Tamilnadu, Chennai.

+1 cc to Mr.S.M.MUGAMMED SALIM,Advocate, Sr.No: 51256

+1cc to M/S Special Government Pleader, Sr No. 51648

JAM/SKS-RR/27.09.16 /3P-7C

ORDER MADE IN
W.P (MD) No.13717 of 2016
09.09.2016