

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.2383 of 2017

D.Muthuraman

... Petitioner

vs.

1. The Joint - I Sub Registrar
cum Marriage Registrar,
Thirupapuliyur,
Cuddalore District.

2. The District Registrar,
Cuddalore,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the second respondent herein to consider the Appeal dated 17.10.2016, vide second respondent's notice dated 04.11.2016 in Na.Ka.No.6124/E2/2016 and pass an order (set aside the order dated 27.09.2016 in Aa.thi.mu.No.5683/2016/Aa.pa.pi passed by the first respondent and to direct the first respondent to register the marriage) within a stipulated time.

For Petitioner : Mr.R.Krishnan

For Respondents : Mr.S.Rajeswaran,
Special Government Pleader

ORDER

The petitioner has come up with this Writ Petition seeking a direction to the second respondent herein to consider the Appeal dated 17.10.2016, vide second respondent's notice dated 04.11.2016 in Na.Ka.No.6124/E2/2016 and pass an order within a stipulated time.

2. According to the petitioner, he belongs to Scheduled Caste (Adi Dravidar) community and his wife viz. Sathya belongs to Scheduled Tribe (Irular) community. Since they belonged to different castes, their marriage was solemnized as per Suyamariathai and Seerthirutha marriage at Periyar Kalappu Thirumanam and Samooga Nala Sangam, situated at No.2, Kuruvappam Street, Padupalayam, Cuddalore District, on 27.09.2016.

3. The grievance of the petitioner is that though his marriage was solemnized under Section 7A of Hindu Marriage Act, 1955 and Tamil Nadu Marriage Registration Act, 2009, and requisite documents were presented before the 1st respondent on 27.09.2016 for registration of their marriage, the 1st respondent, without verifying the same, blindly refused to register their marriage without assigning any valid reason. Challenging the same, the petitioner preferred an appeal before the 2nd respondent on 17.10.2016 and the same was taken on file and a notice was issued on 04.11.2016 for the appearance of the petitioner and his wife on 14.11.2016. Subsequently, the petitioner and his wife appeared in person before the 2nd respondent with all relevant documents. Since no orders are forthcoming from the 2nd respondent on his Appeal, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Today, when the matter is taken up for hearing, both the petitioner, viz. D.Muthuraman and his wife Sathya appeared before this Court and produced their AADHAR Cards in support of their Identity. On a perusal of the AADHAR Cards produced by them, it is clear that both of them have attained majority. The petitioner's Aadhar No. is 4024 5914 3412 and his wife Sathya's Aadhar No. is 4645 5456 9771. Further, the petitioner's wife Sathya has filed an affidavit today to the effect that she married the petitioner on her own volition and that nobody forced her. The said affidavit is taken on record.

6. Learned counsel for the petitioner submitted that the petitioner's grievance will be redressed if the 2nd respondent is directed to consider the petitioner's Appeal dated 17.10.2016 within a stipulated period.

7. In such view of the matter, this Court directs the 2nd respondent herein to consider the petitioner's Appeal dated 17.10.2016, in accordance with law and pass necessary orders, as expeditiously as possible, after giving an opportunity of hearing to the petitioner and his wife, Sathya.

This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To :

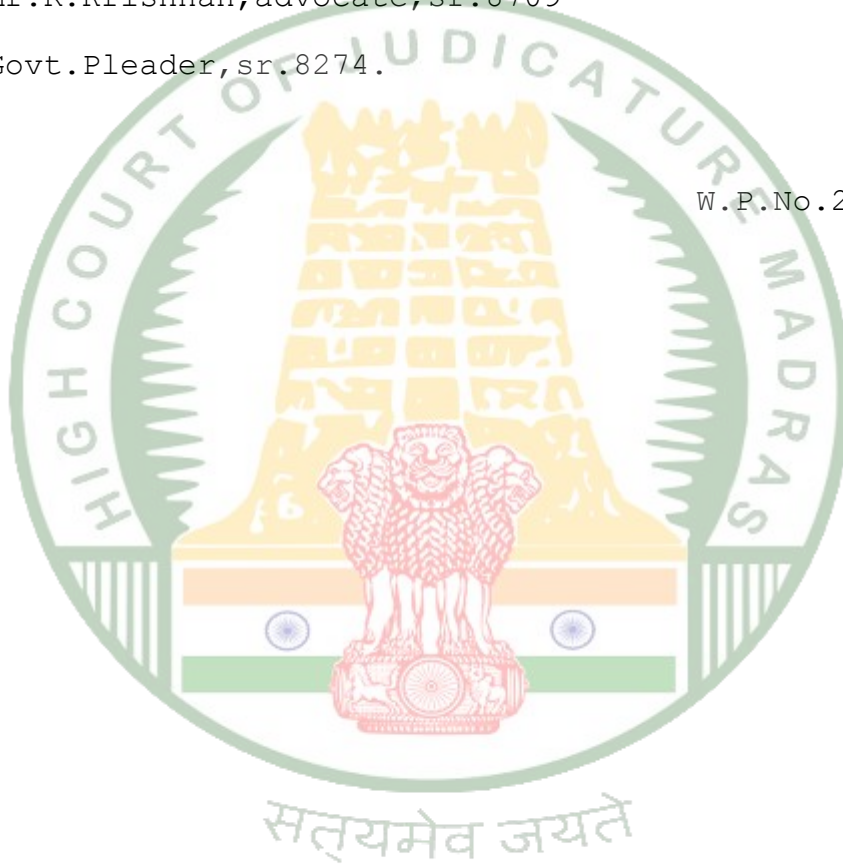
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2. The District Registrar,
Cuddalore,
Cuddalore District.

+1 cc to Mr.R.Krishnan,advocate,sr.8709

+1 cc to Govt.Pleader,sr.8274.

kgk(co)
krd 27/2

W.P.No.2383 of 2017



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