

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2017

Coram

The Honourable Mr. Justice HULUVADI G. RAMESH
and
The Honourable Mr. Justice RMT. TEEKAA RAMAN

W.P.NOs. 33645 of 2013, 38316 of 2015
and 16220 of 2016

W.P.No. 33645 of 2013:

A.Raja Moammed ... Petitioner

versus

1. The State of Tamil Nadu,
represented by its Secretary,
Ft.St.George,
Chennai-600 001.

2. The Registrar General of Marriage,
Government of Tamil Nadu,
Santhome, Chennai. ... Respondents

For Petitioner : Mr.Mohammed Fayaz
For Respondents : Mr.M.K.Subramanian,
Govt.Pleader

WP 38316 of 2015:

Abrar Mohamed Abdullah .. Petitioner

versus

1. The State of Tamil Nadu,
rep. by its Secretary,
Department of Commercial Taxes & Registration,
Fort St.George,
Chennai-600 001.

2. The Registrar of Marriages,
Government of Tamil Nadu,
Santhome, Chennai-600 024.

3. The Sub Registrar,
Kodambakkam Sub Registrar Office,
Chennai.

.. Respondents

For Petitioner : Mr.R.Subramanian
For Respondents : Mr.M.K.Subramanian,
Govt.Pleader

WP 16220 of 2016

A.Mohammed Talha

.. Petitioner

versus

1. The State of Tamil Nadu,
rep. by its Secretary,
Department of Commercial Taxes & Registration,
Fort St.George,
Chennai-600 001.

2. The Registrar of Marriages,
Government of Tamil Nadu,
Santhome, Chennai-600 024.

3. The Sub Registrar,
Royapettah Sub Registrar Office,
Chennai.

... Respondents

For Petitioner : Mr.Mohammed Fayaz Ali
For Respondents : Mr.M.K.Subramanian,
Govt.Pleader

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration, to declare Section 5(1) of the Tamil Nadu Registration of Marriages Act, 2009 (Act 21 of 2009) and Tamil Nadu Registration of Marriages Rules, 2009 as ultra vires Article 14 and 21 of the Constitution of India and therefore, void as it restricts the time for registration to 150 days is concerned and for consequential direction to the 3rd respondent to register the marriage of the petitioner and issue certificate extract as per Rule 15 of the Tamil Nadu Registration of Marriages Act, 2009.

For petitioners : Mr.Mohammed Fayaz Ali
For Respondents : Mr.M.K.Subramannian,
Govt.Pleader

COMMON ORDER

(Order of the Court was made
by HULUVADI G.RAMESH, J.)

These Writ Petitions have been filed, challenging the validity of Section 5(1) of the Tamil Nadu Registration of Marriages Act, 2009 (Act 21 of 2009) and Tamil Nadu Registration of Marriages Rules, 2009 since they restrict the time limit for effecting registration of the marriage within a period of 150 days.

2. On earlier occasion, i.e. on 01.12.2015, when these Writ Petitions were taken up for hearing, the learned Government Pleader would submit that the Government of Tamil Nadu had assured that the provision would be revisited. Taking note of the same, these matters have been adjourned from time to time till now. Further, on 10.3.2016, this Court expressed its displeasure since despite several adjournments, the matter was not placed before the Assembly which appears that the State Government was not interested in legislative business qua the subject at least.

3. Today when these matters are taken up, the learned Government Pleader would submit that pursuant to the directions of this Court, necessary initiative has already been taken and examined all the proposals involving amendment to the Tamil Nadu Registration of Marriages Act, 2009 and also prepared draft Bill and it is under consideration for approval by the competent authority. He would further submit that the Bill on amendment to the Act could not be placed in the last session as it was only Budget Session and the same could be placed during the next session and the Government will certainly enact the said Bill.

4. In view of the submission made by the learned Government Pleader and the Government has already taken necessary steps to bring relevant amendments to the Act and that the Bill will be enacted in the next Session, we do not find any purpose to keep these matters pending further. Accordingly, these Writ Petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary
The State of Tamil Nadu,
Department of Commercial Taxes & Registration,
Fort St.George,
Chennai-600 001.
 2. The Registrar General of Marriage,
Government of Tamil Nadu,
Santhome, Chennai.
 3. The Sub Registrar,
Kodambakkam Sub Registrar Office,
Chennai.
 4. The Sub Registrar,
Royapettah Sub Registrar Office,
Chennai.
- +2 CCs to Mr.Mohammed Fayaz Ali, Advocate sr 20091 & 20092
+1 CC to Govt. Pleader sr 20836

W.P.NOs.33645 of 2013 etc.

KJ(CO)
sp/19/6



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