

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.6982 of 2011 and  
M.P.No.1 of 2011

D.Samuel Abraham

... Petitioner

-Vs-

1.The Registrar General of Births,  
Deaths and Marriages-cum-  
The Inspector General of Registration,  
Registration Department,  
Shanthome High Road, Chennai 600 028.

2.The Church of South India,  
Diocese of Madras,  
226, Cathedral Road, Chennai 600 018.  
Rep by Bishop Rt.Rev.Dr.V.Devasahayam.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to issue suitable instructions to the 2<sup>nd</sup> respondent to maintain and follow the established custom of Exchange of Banns of marriages being adopted and followed from time immemorial among the entire Christian Commune irrespective of the denomination they belong as such established custom has been conferred with statutory protection rather legal status has been conferred under Section 5 of Indian Christian Marriage Act, 1872 without giving effect to the circular No.V dated 17.06.2010 issued by the 2<sup>nd</sup> respondent with respect to Exchange of Banns of Marriage.

For Petitioner : Mr.Vadivel Murugan for  
Mr.R.G.Narendhiran

For Respondents : Mrs.P.Rose Kamalam,  
Additional Government Pleader for R1  
: Mr.D.Prabhu Mukunth Arunkumar for R2

O R D E R

Heard Mr.Vadivel Murugan, learned counsel for the petitioner and Mrs.P.Rose Kamalam, learned Additional Government Pleader appearing for the first respondent and Mr.D.Prabhu Mukunth Arunkumar, learned counsel appearing for the second

respondent.

2. The prayer in the writ petition is to issue a Writ of Mandamus directing the first respondent to issue suitable instructions to the 2<sup>nd</sup> respondent to maintain and follow the established custom of Exchange of Banns of marriages being adopted and followed from time immemorial among the entire Christian Commune irrespective of the denomination they belong as such established custom has been conferred with statutory protection rather legal status has been conferred under Section 5 of Indian Christian Marriage Act, 1872 without giving effect to the circular No.V dated 17.06.2010 issued by the 2<sup>nd</sup> respondent with respect to Exchange of Banns of Marriage."

3. This Court is unable to understand what is the locus standi of the petitioner to file this writ petition as the entire issue raised in the writ petition is within the realm of religious activities of the second respondent, which is a private organisation.

4. This Court does not understand how the writ petition can be maintained against the second respondent and how the petitioner can question the religious activities of the second respondent in regard to the issues raised in the writ petition.

5. This Court from the materials and pleadings placed on record, is of the clear view that the petitioner has exercised a clever ploy by making the first respondent as a party in this writ petition in order to maintain the writ petition. However, the direction as sought in the writ petition cannot be granted against the second respondent which is private body. Even otherwise, this Court does not understand what is the locus standi of the petitioner to question the activities of the second respondent in this writ petition. In case, the petitioner has any personal grievance against the second respondent, it is always open to him to workout his remedies in the proper Court of law and he cannot invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

6. In view of the above, this Court is of the considered view that the writ petition is not at all maintainable and therefore, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

gsk

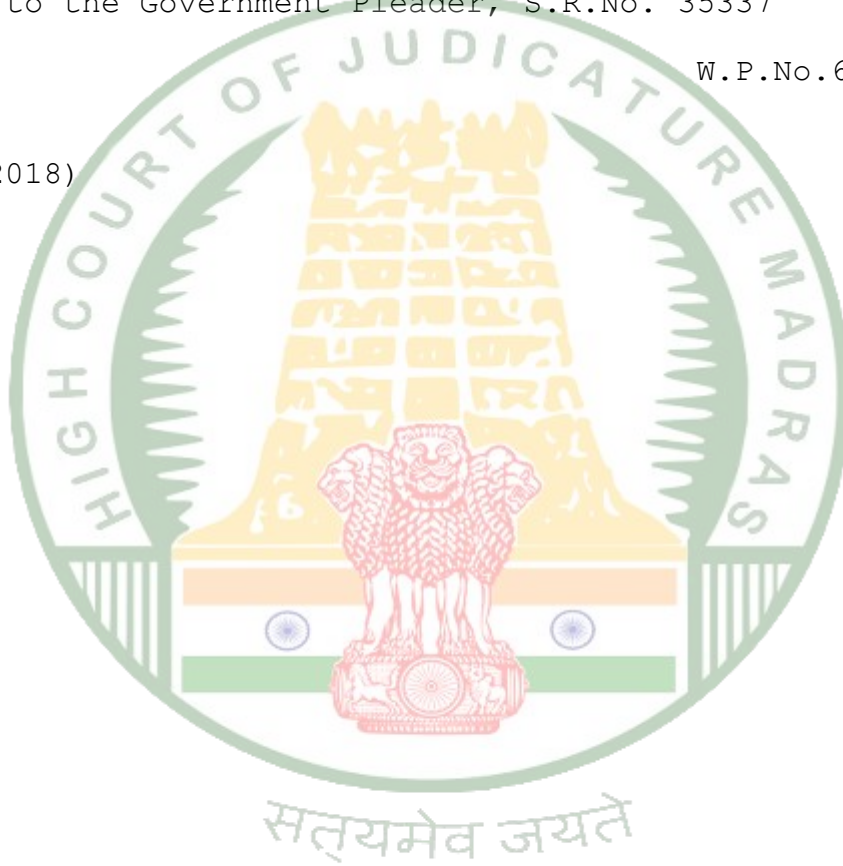
To

The Registrar General of Births,  
Deaths and Marriages-cum-  
The Inspector General of Registration,  
Registration Department,  
Shanthome High Road, Chennai 600 028.

+1cc to Mr.D.PRABHU MUKUNTH ARUNKUMAR Advocate, S.R.No.34920  
+1cc to the Government Pleader, S.R.No. 35337

W.P.No.6982 of 2011

CA(CO)  
TR(28/06/2018)



WEB COPY