

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.14308 of 2018 and
W.M.P.No.16906 of 2018

J.P.Arul Kavi

... Petitioner

Vs.

1.Government of Tamil Nadu
rep by the Commissioner
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.

2.The Deputy Commissioner/Executive Officer,
Arulmigu Subramaniasamy Temple,
Hindu Religious and Charitable Endowments Department,
Maruthamalai, Coimbatore - 641 046. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 & 2 to consider and process the marriage application No.3806 dated 29.05.2018 and to permit the petitioner to perform his marriage in the temple premises of Arulmigu Subramaniasamy Temple, Maruthamalai, Coimbatore - 641 046 as per Hindu rites and customs on 17.06.2018 with necessary facilities as provided to general public without any hindrance of obstruction from the 2nd respondent.

For Petitioner : Mr.V.Govardhanan

For Respondents : Mr.M.Maharaja, Special Government Pleader

O R D E R

The petitioner, son of A.Jayaprakasam, at present is residing at No.44, 3rd Street, P.R.P.Krishna Garden, Peelamedu, Coimbatore. Previously, when his father was employed as Sports Officer in the Central Academy for State Forest College, Post Box No.1130, R.S.Puram, Coimbatore, the petitioner's family was residing at No.B-43, Forest Campus, Rathinasabapathy (commonly known as R.S.Puram), Coimbatore South, Coimbatore. After the superannuation of his father from service, he had vacated the said staff quarters allotted to him during his employment.

2.The petitioner and his parents had applied for Aadhar Card with the Unique Identification Authority of India by mentioning the address as No.B-43, Forest Campus, Rathinasabapathy (commonly known as R.S.Puram), Coimbatore South, Coimbatore. The Ration Card provided by the Tamil Nadu Civil Supplies and Consumer Protection Department to the petitioner's family also contains the above mentioned address.

3.After the superannuation of his father, the petitioner's family have shifted to No.44, 3rd Street, P.R.P.Krishna Garden, Peelamedu, Coimbatore. Subsequently, the address in the Ration Card had been changed. The petitioner is working as Software and Marketing Professional in a Private Organization, Coimbatore.

4.As the petitioner's family decided to solemnize the marriage of the petitioner with one A.Kirubha at Arulmigu Subramaniasamy Temple as per the Hindu rites and customs on 17.06.2018, they made an application on 28.05.2018. As the Dealing Assistant in the Office of the 2nd respondent was on leave on 28.05.2018, the family members were asked to come on 29.05.2018. But on 29.05.2018, the Dealing Assistant refused to entertain the application on the ground that the residential address mentioned in the application did not match with the address in the Aadhar Card. Therefore, the petitioner's father met the Executive Officer viz., the 2nd respondent and requested him to accept the application, pleading the practical difficulty in amending the residential address in the Aadhar Card within a short time.

5.The learned counsel appearing for the petitioner submitted that when the address in the Aadhar Card and Ration Card are the same, the Executive Officer, who has to entertain the marriage application, raising unnecessary question is causing delay and threat to both the parties to the marriage.

6.Drawing the notice of this Court to the Aadhar Card and Ration Card where the address is same in both the cards and they are unobjectionable by the Executive Officer, the learned counsel seeks direction to the respondents to permit the marriage scheduled on 17.06.2018.

7.The learned Special Government Pleader appearing for the respondents submitted that the Transfer and Conduct Certificate issued by Bannari Amman Institute of Technology on 02.06.2008 shows that the petitioner belongs to Nationality - Indian and Religion - Hindu, whereas no religion has been mentioned in the Transfer and Conduct Certificate issued by Annamalai University. Therefore, this Court may direct the petitioner to give an undertaking with acceptable document to show that he belongs to Hindu religion.

8.This Court is unable to find any merits in the objection made by the learned Special Government Pleader. The reason is when the Transfer and Conduct Certificate issued by Bannari Amman Institute of Technology on 02.06.2008 show that the petitioner belongs to Indian - Nationality and Hindu - Religion, which has to be accepted and the same deserves acceptance. That apart, the Aadhar Card and Ration Card issued to the petitioner's family also clearly shows the same address.

9.In view of the above facts, the Writ Petition is disposed of with a direction to the respondents to process the marriage application No.3806 dated 29.05.2018 and permit the solemnization of the petitioner's marriage. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.
- 2.The Deputy Commissioner/Executive Officer,
Arulmigu Subramaniam Temple,
Hindu Religious and Charitable Endowments Department,
Maruthamalai, Coimbatore - 641 046.

+1cc to M/s.Row & Reddy, Advocate sr.no.37108
+1cc to Special Government Pleader in sr.no.37388

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nr 14/06/2018

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