



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WEB COPY

W.P.(MD) No.18910 of 2018 and H.C.P.(MD) No.1073 of 2018
and W.M.P.(MD) No.16743 of 2018 in W.P.(MD) No.18910 of 2018

W.P. (MD) No.18910 of 2018:

R.Suwaathy

... Petitioner

-vs-

1.The Sub Registrar,
Nilakottai Sub Registrar Office,
Nilakottai Taluk,
Dindigul District.

2.P.Saravana Kumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st Respondent pertaining to Certificate of Marriage Registered under Registration No. (Marriage Serial Number) 190/16 dated 14.12.2016 and to quash the same and consequently direct the 1st Respondent to delete, cancel, remove the same from the Marriage records of the 1st Respondent.

For Petitioner

: Mr.T.S.Mohamed Mohideen

For 1st Respondent

: Mr.N.Shanmugaselvam
Additional Government Pleader

For 2nd Respondent

: Mr.K.Sathishkumar

H.C.P. (MD) No.1073 of 2018:

Saravanankumar

... Petitioner

-vs-

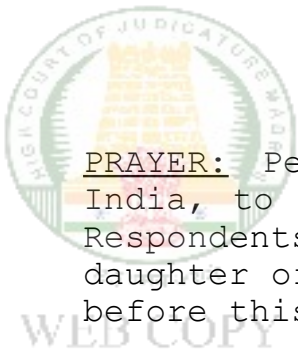
1.The Commissioner of Police,
Commissioner of Police Office,
Madurai City.

2.The Inspector of Police,
Theppakulam Police Station,
Madurai City.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Ramanathan

... Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the 1st and 2nd Respondents to produce the person or body of detenu namely Swathi daughter of Ramanathan and wife of Saravanakumar aged about 21 years before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.K.Sathishkumar

For 1st Respondent & 2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

For 3rd Respondent : Mr.T.S.Mohamed Mohideen

COMMON ORDER

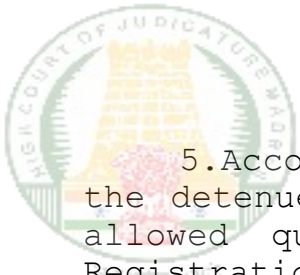
[Order of the Court was made by M.M.SUNDRESH, J.]

We dispose of both the matters by this common order in view of the fact that the parties are same.

2.H.C.P.(MD) No.1073 of 2018 has been filed seeking production of the detenu/petitioner in W.P.(MD) No.18910 of 2018. W.P.(MD) No.18910 of 2018 has been filed by the detenu in H.C.P.(MD) No.1073 of 2018 herself challenging the marriage certificate issued.

3.Petitioner in both the petitions are present before us. With the permission of this Court, they had discussion with each other. After discussion, the learned counsel appearing for the parties informed that the detenu is not willing to be with the petitioner in H.C.P.(MD) No.1073 of 2018. In any event, we do not find any illegal custody involved. The learned counsel appearing for the petitioner in H.C.P.(MD) No.1073/2018/2nd respondent in W.P.(MD) No.18910 of 2018 submitted that the Writ Petition filed by the detenu may be allowed.

4.Considering the above, after perusing the impugned certificate in the Writ Petition, we are of the view that the writ petition is liable to be allowed even on merits. A perusal of the certificate would intimate that the marriage was said to have been solemnized at Samuga Jana Nayaga Valibar Sangam, Madurai Veeran Kovil Street, Nilakkottai, Dindigul. We are of the view that no sanctity can be attached to the solemnization of marriage done by the aforesaid body. Further, in as much the petitioner in H.C.P.(MD) No.1073 of 2018 himself is ready and willing to give up his claim and taking note of the fact that both the detenu and petitioner in H.C.P.(MD) No.1073 of 2018 are very young people who can lead their own separate life and in the light of the decision rendered by this Court in S.Balakrishnan Pandiyan v. The Superintendent of Police, Kanchipuram [2014 (6) CTC 129] and S.Jeyanthi v. The Inspector General of Registration & others [2016-1-L.W. 747], we are inclined to set aside the impugned Certificate of Marriage.



5. Accordingly, H.C.P.(MD) No.1073 of 2018 stands dismissed and the detinue is set at liberty and W.P.(MD) No.18910 of 2018 stands allowed quashing the Certificate of Marriage Registered under Registration No. (Marriage Serial Number) 190/16 dated 14.12.2016 on the file of Sub-Registrar, Nilakkottai stands quashed and the 1st Respondent is directed to delete, cancel, remove the same from the Marriage records of the 1st Respondent. Consequently, connected W.M.P.(MD) No.16743 of 2018 stand closed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)

To

- 1.The Commissioner of Police,
Commissioner of Police Office,
Madurai City.
- 2.The Sub Registrar,
Nilakottai Sub Registrar Office,
Nilakottai Taluk,
Dindigul District.
- 3.The Inspector of Police,
Theppakulam Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2CC to Mr.T.S.Mohamed Mohideen, Advocate, SR.No.82773

W.P.(MD) No.18910 of 2018 and
H.C.P.(MD) No.1073 of 2018
and W.M.P.(MD) No.16743 of 2018 in
W.P.(MD) No.18910 of 2018
06.09.2018

SJ

ES/RP/SAR 2/10.09.2018/3P/7C