

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 1353 of 2019

S. Prabavathy

... Petitioner

-vs-

1. The District Registrar,
Kancheepuram District,
Kancheepuram.

2. The Sub Registrar,
Walajabad,
Kancheepuram District.

3. State represented by:
Inspector of Police,
Sankar Nagar Police Station,
St. Thomas Mount,
Chennai - 600 016.

4. N. Susilkumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First and Second Respondents to cancel the Marriage Registration Certificate bearing H.M. No. 51/2018, dated 30.07.2018 issued by the Second Respondent.

For Petitioner : Mr. M. Gnanasekar

For Respondents: Mr. T.M. Pappiah,
Special Government Pleader
(for R1 and R2)

Mr. M. Karthikeyan,
Additional Government Pleader (for R3)

Mr. S. Mohammed Ansar (for R4)

O R D E R

When it is pointed out that it has not been shown that the Registering Authority has power to annul a marriage and that the Hon'ble Supreme Court of India in Gullipilli Sowria Raj -vs- Bandaru Pavani alias Gullipiolli Pavani [(2009) 1 SCC 714] has held that mere registration would not validate a marriage and that the Petitioner has to approach the jurisdictional Family Court to institute a suit to obtain a decree for declaration that there is no marital relationship between the Petitioner and the Fourth Respondent in the light of the interpretation of Section 7(1)(a) of the Family Courts Act, 1984, made by the Hon'ble Supreme Court of India in the decision in Balram Yadav -vs- Fulmaniya Yadav [(2016) 13 SCC 308], and other consequential reliefs arising therefrom, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the same, and he has made an endorsement to that effect, which is recorded.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vjt

To

1. The District Registrar,
Kancheepuram District,
Kancheepuram.
2. The Sub Registrar,
Walajabad,
Kancheepuram District.
3. The Inspector of Police,
Sankar Nagar Police Station,
St. Thomas Mount,
Chennai - 600 016.

+1cc to Mr.M. Gnanasekar, Advocate SR.No.86910

+1cc to Mr.S. Mohammed Ansar, Advocate SR.No.86549

+1cc to Government Pleader SR.No.86907

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BP (CO)
GMY (21/10/2019)



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