

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2019

CORAM

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

W.P. No. 7906 of 2019

Mouhamad Houmayoune

... Petitioner

-vs-

1. The Registrar,
Sub Registrar Office,
1/1 Sannadi Street,
Marakkanam - 604 303,
Villupuram District.

2. The Registrar,
Puducherry Municipality,
No. 1, Rue Dumas,
Pondicherry - 605 001.

... Respondents

(Second Respondent impleaded vide order dated 10.04.2019, made in W.M.P. No. 10847 of 2019 by KRCBJ)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondent in consideration with the representation sent to the Respondent dated 11.03.2019 to add the Petitioner's mother name and with mother name of Petitioner's wife in the marriage certificate with the consideration of the respective birth certificate issued by the Government of Puducherry and Government of Tamil Nadu respectively to enable the Petitioner and his wife to process VISA successfully to travel abroad.

For Petitioner : Mr. J. Arokhiaraj

For Respondents: Mr. T.M. Pappiah for R1,
Special Government Pleader

Mr. D. Ravichandar for R2,
Additional Government Pleader
(Puducherry)

O R D E R

Heard Mr. J. Arokhiaraj, Learned Counsel for the
Petitioner, Mr. T.M. Pappiah, Learned
Special Government Pleader and Mr.
D. Ravichander, Learned Additional Government Pleader
(Puducherry) appearing for the Second Respondent.

2. The Petitioner had made a representation dated 11.03.2019 to include the name of his mother and that of the mother of his wife in their Marriage Certificate so as to enable the Petitioner to provide the same to the passport and visa authorities. As there was no response for the same, the Petitioner has filed this Writ Petition for directing the Respondents to include the name of his mother and the name of the mother of his wife in their Marriage Certificate considering their Birth Certificates issued by the Government of Puducherry and Government of Tamil Nadu respectively, so as to enable the Petitioner and his wife to process visa for France.

3. Learned Special Government Pleader appearing for the First Respondent submits that the statutory form in IV Schedule to the Special Marriages, 1954, in terms of Section 13 of that Act does not provide for including the name of the mothers of the parties to the marriage and as such, it was not possible for the authorities to accede to the request of the Petitioner.

4. Having regard to the fact that the Certificate of Marriage has to be in accordance with the statutory form, which does not contain any provision to include the names of the respective mothers of the parties to the marriage in the same, the refusal of the First Respondent to include their names cannot be found fault. At the same time, if the Petitioner and his wife want to establish their relationship with the respective mothers, it is open to them to produce their respective Birth Certificates before the concerned authorities in proof of the same for processing the application for visa.

5. Accordingly, the Writ Petition is disposed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vji

To

1. The Registrar,
Sub Registrar Office,
1/1 Sannadi Street,
Marakkanam - 604 303,
Villupuram District.
2. The Registrar,
Puducherry Municipality,
No. 1, Rue Dumas,
Pondicherry - 605 001.

+1cc to Mr.J.Arokiaraj , Advocate SR.No. 73121
+1 cc to Government Pleader (Pondy)Sr.No. 73121
+1 cc to Government Pleader Sr.No. 74063

W.P. No. 7906 of 2019

A.SK(05/11/2019)