

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2019

CORAM

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

W.P. No. 29666 of 2019

T. Priyanga

... Petitioner

-vs-

1. The District Registrar,
District Registrar's Office,
Cuddalore - 1.

2. The Marriage Registrar,
District Registrar's office,
Cuddalore - 1.

3. K. Patchaippan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Certificate of Marriage in Serial No. 1602/2013 dated 04.11.2013 on the file of the Second Respondent and quash the same as null, void, arbitrary and illegal and consequently direct the Second Respondent to cancel and remove the Certificate of Marriage in Serial No. 1602/2013 dated 04.11.2013 from the Register of Marriages maintained in the office of the Second Respondent.

For Petitioner : Mr. S. Sudarshan

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

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 Gullipiolti 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 Third 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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

To

1. The District Registrar,
District Registrar's Office,
Cuddalore - 1.
2. The Marriage Registrar,
District Registrar's office,
Cuddalore - 1.

+1cc to the Government Pleader Sr.88221
+1cc to Mr.S.Subramanian, Advocate Sr.88051

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gmr[col]
srg 04/11/2019

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