

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.02.2019

CORAM
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.32603 of 2018

1.Mr.Alok

2.Mrs.Sneha Madavan

... Petitioners

Vs

The Registrar,
Villivakkam Sub-Registrar Office,
Korratur, Chennai - 600 080.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent pertain to order No.149 of 2018 dated 24.04.2018 and quash the same and direct the respondent to register the marriage of petitioners herein.

For Petitioners: Mr.S.Ravichandran

For Respondent : Mr.T.M.Pappiah,
Special Government Pleader

O R D E R

This writ petition is filed challenging the order of the respondent dated 24.04.2018 in returning the application filed by petitioners for registration of their marriage under the Special Marriage Act, 1954.

2. Heard Mr.S.Ravichandran, learned counsel for the petitioners and Mr.T.M.Pappiah, learned Special Government Pleader for the respondent.

3. The grievance of the petitioner before this Court is that the respondent failed to consider the marriage between the petitioners, which had already taken place on 03.07.2017 and therefore, he ought to have followed the procedure for Registration laid under Section 16 of the Special Marriage Act, 1954, without considering extraneous reasons, which are not coming within the purview of Section 15 of the said Act. Thus, it is contended that had an opportunity was given to the petitioners by conducting an enquiry, they would have satisfied the respondent that their marriage is entitled to be registered

under the Special Marriage Act, 1954.

4. Perusal of the order impugned in this writ petition would show that before passing such order, the petitioners were not heard. It appears that the respondent did not conduct any enquiry to find out as to whether any legal impediment exists for registering such marriage said to have taken place between the petitioners. Therefore, this Court is of the view that the respondent shall hold an enquiry and after hearing all the parties concerned, shall pass appropriate orders on the application filed by the petitioners for registering the marriage.

6. Accordingly, this Writ Petition is disposed of, by directing the respondent to conduct an enquiry as stated supra and pass fresh order on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gsi

To

The Registrar,
Villivakkam Sub-Registrar Office,
Korratur, Chennai - 600 080.

+lcc to Mr.S.Ravichandran, Advocate, S.R.No.9659

+lcc to the Government Pleader, S.R.No.10838

W.P.No.32603 of 2018

SR(CO)

rrs 27/02/2019

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