

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.19371 of 2020

and

W.M.P. No. 23959 of 2020

S. Vanitha

... Petitioner

vs.

1. The District Registrar,
Villupuram Collectorate,
Collector Office Road,
Moovendar Nagar,
Villupuram - 605 602

2. The Sub Registrar,
Office of the Sub registrar,
Vallam - 604 206.

3. U. Raghuvaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus to call for the records of the Impugned Marriage Registration Certificate No.7 of 2016 on the file of the 2nd respondent herein and quash the same as illegal and consequently direct the respondents 1 and 2 to delete, cancel and remove the same from the records of their office.

For Petitioner : Mr. P. Dinesh Kumar

For Respondents: Mr. P.P. Purushothaman
Government Advocate

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records of the Impugned Marriage Registration Certificate No.7 of 2016 on the file of the 2nd respondent, quash the same as illegal and consequently directing the respondents 1 and 2 to delete, cancel and remove the same from the records of their office.

2. The petitioner is challenging her Marriage Certificate alleged to have been issued on 29.01.2016 after a lapse of nearly five years. As per the Marriage Certificate, she got married to one U.Raghuvaran, the 3rd respondent, on 27.01.2016

3. By getting the Registration Certificate cancelled, the petitioner cannot get a decree for divorce under Article 226 of the Constitution of India. The remedy open to the petitioner is only to file a HMOP before the competent Civil Court/Family Court for annulling the Marriage.

4. Mr. P. Dinesh Kumar, learned counsel appearing for the petitioner submitted that on the date of Registration of the Marriage, the petitioner was not present, however, the 1st respondent had registered the document erroneously.

4. Since it is a matter for evidence, the same cannot be decided in the present Writ Petition. In such view of the matter, I am not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to approach the competent Civil Court/Family Court for annulling the Marriage. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

1. The District Registrar,
Villupuram Collectorate,
Collector Office Road,
Moovendar Nagar,
Villupuram -605 602

2. The Sub Registrar,
Office of the Sub registrar,
Vallam - 604 206.

+1cc to Mr.D.Ravichander, Advocate, S.R.No. 42660
+1cc to the Government Pleader, S.R.No. 42643

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UM(CO)
GN(19/01/2021)