

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2020

CORAM :

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.NO.19610 OF 2020

AND

W.M.P.NO.24230 OF 2020

S.Priyadharshini

... Petitioner

v.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2. The Sub Registrar,
Salem West Joint - 1,
Salem.

3. K.Surya Deva

... Respondents

Prayer:-

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 Form III Certificate of Registration of Marriage issued by the 2nd respondent dated 21.08.2020 entered in Serial No.132 of 2020 of Registrar of Marriages maintained under the Tamil Nadu Registration of Marriage Act, 2009 and to quash the same as illegal and invalid and consequently direct the 2nd respondent to delete or cancel or remove the marriage entry from the records of the 2nd respondent office within a stipulated time period fixed by this court.

For Petitioner : Mr.J.Sankara Pandian
for Mr.J.Thamos Raja Durai

For Respondents : Mr.B.Kannan
1 and 2 Government Advocate

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus challenging the Marriage Certificate dated 21.08.2020 alleging that there was no marriage solemnized between the petitioner and the 3rd respondent..

2. It is an admitted fact that the 3rd respondent had given a police complaint against the petitioner on 22.08.2020 stating that the petitioner is refusing to live with him. Thereafter, the petitioner has given a representation to the Sub Registrar on 23.09.2020 seeking for cancellation of the Marriage Certificate. On 11.12.2002, she has filed the Writ Petition seeking for the prayer sought for in the Writ Petition.

3. Since it is a matter for evidence, the same cannot be decided in the present Writ Petition under Article 226 of the Constitution. The remedy open to the petitioner is only to file a HMOP before the competent Civil Court/Family Court for annulment of the Marriage. In such view of the matter, I am not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
2. The Sub Registrar,
Salem West Joint - 1, Salem.

+1cc to the Government Pleader, S.R.No.43132

W.P.No.19610 of 2020 and
W.M.P. No. 24230 of 2020

GPL(CO)
CS/02/02/2021

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