

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.20177 of 2020

1.Prem Dattan Raja Dattan

2.Poornima Krishnaswami ...Petitioners

Vs.

The Sub Registrar,
Gingee Sub-Registrar Office,
Villupuram District.Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a writ of certiorarified mandamus calling for the records of bearing No.216/2020 dated 07.10.2020 passed by the respondent herein and quash the same and further direct the respondent to carryout necessary amendment in the marriage certificate No.121/2020 as prayed for by the petitioners in their representation dated 22.10.2020 and issue a fresh marriage certificate.

For Petitioners : Mr.L.Abrar Md Abdullah
For Respondent : Mr.T.M.Pappaiah
Special Government Pleader

O R D E R

This writ petition has been filed challenging the order dated 07.10.2020 passed by the respondent rejecting the petitioners' request for amendment of their marriage certificate which was issued by the respondent on 12.11.2010. The petitioners have sought for amendment of their marriage certificate, since the names mentioned in the marriage certificate are not in accordance with their passport. However, under the impugned order, the request of the petitioners seeking

amendment was rejected only on the ground that there is no provision under the Tamil Nadu Registration Act, for carrying out amendment of marriage certificate. Aggrieved by the same, this writ petition has been filed.

2. The learned counsel for the petitioners drew the attention of this court to the Judgment of Punjab and Haryana High Court dated 08.03.2019 in CWP-853-2019(O & M) in the case of Dharmjit Bangarh vs. State of Punjab & another and would submit that in an identical matter, when there was no dispute as regards the contents of the passport, the learned single Judge of the Punjab and Haryana High Court directed the respondents to carryout the amendment in the marriage certificate. According to the learned counsel for the petitioners, by total non-application of mind, the impugned order has been passed rejecting the petitioners' request seeking for amendment of their marriage certificate.

3. Per contra, learned Special Government Pleader appearing on the side of the respondent on instructions would submit that the respondent had prepared to issue a footnote in the existing marriage certificate incorporating the amendments sought for by the petitioners. It is also submitted that only based on the application submitted by the petitioners, the marriage certificate dated 12.11.2020 was issued to the petitioners and hence, according to him, the respondent cannot amend the marriage certificate.

4. Admittedly, in the instant case, as seen from the passport of both the petitioners, the names of the petitioners are "Prem Dattan Rajadattan" and "Poornima Krishnaswami" respectively. However, in the marriage certificate, the names of the petitioners are mentioned as "R.Prem Dattan" and "K.Pooranima" respectively.

5. The petitioners have sought for amendment of their marriage certificate by incorporating their names as "Prem Dattan Rajadattan" in the place of "R.Prem Dattan" and "Poornima Krishnaswami" in the place of "K.Pooranima". The passports standing in the name of the petitioners which have been relied upon in this writ petition has not been disputed by the respondent. However, under the impugned order, only on the ground that there is no provision under the Tamil Nadu Registration Act for carrying out amendment of the marriage certificate, the respondent has rejected the request of the petitioners seeking for amendment. The amendment sought for by the petitioners is only on the strength of passports issued by the Government of India. The very same passports which the petitioners are relying upon before this Court were also submitted by them at the time of applying for marriage

certificate earlier, based on which, the marriage certificate dated 12.11.2010 was issued in their favour. The very same passports have now been relied upon by the petitioners for amending their respective names in the marriage certificate dated 12.11.2010. Therefore, the respondent ought not to have rejected the request of the petitioners for amendment.

6. The Judgment of the Punjab & Haryana High Court relied upon by the learned counsel for the petitioners referred to supra is squarely applicable to the facts of the instant case. In that case also, the petitioner therein had sought for amendment of the marriage certificate to incorporate his name as found in the passport. The learned Single Judge of Punjab & Haryana High Court in the aforesaid decision directed the respondents therein to carry out the amendment as sought for by the petitioner therein. Further, this Court is of the considered view that no prejudice will be caused to the respondent, if the amendment sought for by the petitioners are incorporated in the marriage certificate issued on 12.11.2010.

7. For the aforesaid reason, this Court is of the considered view that the impugned order dated 07.10.2020 has been passed by the respondent, arbitrarily and by total non-application of mind. Hence, it has to be necessarily quashed and remanded back to the respondent for fresh consideration in light of the observations recorded by this Court.

8. In the result, the impugned order dated 07.10.2020 passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration and the respondent shall pass final orders on the petitioners request for amendment of the marriage certificate dated 12.11.2010 in the light of the observations made by this Court and also in the light of the decision of the Hon'ble Punjab & Haryana High Court within a period of four weeks from the date of receipt of a copy of this Order.

9. In terms of the above direction, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Sub Registrar,
Gingee Sub-Registrar Office,
Villupuram District.

+1cc to Mr.L.Abrar Md Abdullah, Advocate, SR457
+1cc to The Government Pleader, SR195

W.P.No.20177 of 2020

CO (LN)
BDL/08/01/2021



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