



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

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CORAM :
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26069 of 2021

S.Sampath

... Petitioner

vs.

1. The Sub Registrar - Tiruvallur,
201, J.N.Road,
Taluk Office Compound,
Thiruvallur - 602 001.
2. The District Registrar - Tiruvallur,
14/12G, SH-50, Pungathur,
SP Nagar, Thiruvallur - 602 001.
3. The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Chennai 600028.
4. S.Menaka

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the 1st Respondent as contained in the impugned Marriage Certificate dated 22.06.2021 bearing No. Marriage Sl.No.TMR/Tiruvallur/334/2021, and quash the same and consequently direct the 1st Respondent to cancel and delete the entry bearing Sl.No.TMR/Tiruvallur/334/2021 maintained in the Marriage Register of the 1st Respondent.

For Petitioner : Mr.K.Newlin Frederick
For Respondents 1 to 3 : Mr.R.Kumaravel,
Addl. Government Pleader

For 4th Respondent : No appearance

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the impugned Marriage Certificate vide Marriage Sl.No.TMR/Tiruvallur/334/2021, dated 22.06.2021 issued by the 1st Respondent and for a consequential direction to the 1st Respondent to cancel and delete the entry bearing



Sl.No.TMR/Tiruvallur/334/2021 maintained in the Marriage Register of the 1st Respondent.

2. It is stated by the Petitioner that, he is a resident of Kanyakumari District. As he got an opportunity to work in Saudi Arabia, as a casual labourer, he left the country and started working there and was not able to come to India. It is further stated by him that, the 4th Respondent herein viz. Menka, happens to be his aunt and that, as a distant relative, she was very cordial with his family. Though, according to the Petitioner, he is aware that the 4th Respondent had some matrimonial issues, he is not aware as to whether she obtained divorce from her husband. However, the Petitioner was given to understand that, the 4th Respondent was remarried to one Viju. Since the 4th Respondent had a disastrous matrimonial life, the Petitioner's family had sympathy towards her.

3. According to the Petitioner, during his stay in Saudi Arabia, the 4th Respondent used to call him and enquire about his wellness and at times, she used to request for money citing financial crunch and, he used to pay her money, out of sympathy. Due to the outbreak of COVID-19 pandemic and the consequent lockdown, the Petitioner lost his job in Saudi Arabia and the 4th Respondent assured him that, she will secure a job for him. Thereafter, the Petitioner reached India on 07.05.2021 and reached Trivandrum on 08.05.2021 around 04.05 a.m. and as per the protocol, he underwent 14 days quarantine in his residence at Kanyakumari District, till 22.05.2021.

4. It is further stated by the Petitioner that, on 07.06.2021, the 4th Respondent informed the Petitioner that, she had recommended him for a job in Chennai and requested him to attend the interview. Upon her request, the Petitioner went to Chennai for the said interview. On 22.06.2021, the 4th Respondent asked the Petitioner to come with her to attend a job interview. It is the case of the Petitioner that, instead of taking him to the promised job interview, she took him to the office of the 1st Respondent/Sub Registrar, Tiruvallur. When the Petitioner enquired the 4th Respondent about the same, she showed him a morphed photo portraying the Petitioner in a wrong nature and on that pretext, she threatened him that, she will publish the said morphed photo in the social media, if he does not accept and act according to what she dictates. Thereafter, the 4th Respondent took him inside the office of the 1st Respondent, where, the 1st Respondent, in collusion with the 4th Respondent had organized a registration of marriage, which according to the Petitioner, never happened. The 4th Respondent forced the Petitioner to sign many documents in the office of the 1st Respondent, who registered and issued the impugned Marriage Certificate that, the marriage between the 4th Respondent and the



Petitioner took place on 06.05.2021 at R.B.Mahal, Aanjaneyapuram, Kaakalur, Tiruvallur.

5. The Petitioner has also stated that, the 4th Respondent is still living with her second husband viz. Viju and she has two daughters. According to the Petitioner, the 4th Respondent's second marriage is still subsisting and the impugned Marriage Certificate is only a tool for extortion. In this regard, the Petitioner has also lodged a complaint against the 4th Respondent before the All Women Police Station, Marthandam on 05.07.2021, for which a CSR was issued vide No.246/2021. The Petitioner has also lodged a complaint before the Superintendent of Police, Nagercoil on 27.10.2021, which is pending investigation.

6. Learned counsel for the Petitioner contended that, the 1st Respondent had registered and issued the impugned Marriage Certificate for a marriage alleged to have taken place on 06.05.2021, but, the fact remains that, no such marriage took place, as the Petitioner was not in India on 06.05.2021. He went on to contend that, the 1st Respondent ought to have examined the veracity and genuineness of the documents submitted for the said registration of marriage by the 4th Respondent and that, he ought to have examined the 4th Respondent regarding her marital status in accordance with Section 7(1)(c) of the Tamilnadu Registration of Marriages Act.

7. Heard the learned counsel on either side and perused the material documents available on record.

8. The 1st Respondent/Sub-Registrar, Tiruvallur produced the Marriage Registration papers pertaining to the Petitioner and the 4th Respondent herein. On a perusal of the same, it is seen that, the Marriage Registration Form was furnished by the Petitioner and the 4th Respondent before the 1st Respondent, including the Marriage Invitation and that, the Petitioner has affixed his thumb impression in the Marriage Certificate and that, the marriage was duly registered. Thereafter, Form-3 was issued in favour of the Petitioner.

9. As the procedure contemplated under Section 7 of the Tamil Nadu Registration of Marriages Act was scrupulously followed, this Court is not inclined to interfere with the impugned Marriage Certificate of the Petitioner and the 4th Respondent. As far as the other allegations made by the Petitioner against the 4th Respondent herein are concerned, the same cannot be decided by this Court. However, the Petitioner is at liberty to approach the competent forum challenging his alleged marriage with the 4th Respondent herein.



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The Writ Petition is dismissed with the above observation.
No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

(aeb)
To:

1. The Sub Registrar - Tiruvallur,
201, J.N.Road,
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Santhome, Chennai 600028.

+1 cc to Mr.G.Cenil, Advocate Sr.NO. 64296
+1 cc to Government Pleader Sr.NO. 65267

W.P.No.26069 of 2021

mt(CO)
A.SK(16/03/2022)