



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.285 of 2021

and C.M.P. (MD) No.927 of 2021

1.K.Selvaraj

2.Mariyammal

... Appellants/Respondents 4 and 5

Vs.

1.C.Susila

... 1st Respondent/Petitioner

2.The Inspector General of Registration,
Department of Registration,
Santham, Chennai - 600 028.

3.The District Registrar,
District Registration Office,
Srivilliputtur,
Virudhunagar District.

4.The Sub-Registrar,
Sub-Registration Office,
Srivilliputtur,
Virudhunagar District.

... Respondents 2 to 4/Respondents 1 to 3

5.The Inspector of Police,
District Crime Branch,
Virudhunagar,

Virudhunagar District. ... Respondent No.4/Respondent No.6

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court in W.P.(MD)No.15864 of 2020, dated 10.11.2020.

Prayer in WP(MD) . 15864/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the 2nd Respondent to cancel the fake marriage registration certificate vide with, marriage serial No. TMR/Srivilliputtur /83/2019 dated 04.04.2019 on the file of the 3rd respondent office based on the petitioners representation dated 18.11.2019 within the time limit that may be stipulated by this Honourable Court in the circumstances of the case.

For Appellant

: Mr.M.Jothibas

For Respondent No.1

: Mr.A.D.Ganesamoorthy

For Respondent Nos.2 to 5

: Mr.K.P.Krishnadass

Special Government Pleader



J U D G M E N T

(Judgment of the Court was delivered by T. S. SIVAGNANAM, J.)

This Writ Appeal filed by the respondent Nos.4 and 5 in the Writ Petition is directed against the interim direction issued in the Writ Petition without notice to the appellants.

WEB COPY

2.The first respondent filed the Writ Petition, praying for a direction to the District Registrar, Srivilliputtur, Virudhunagar District to cancel the fake marriage registration certificate in Marriage Serial No.TMR/Srivilliputtur/83/ 2019, dated 04.04.2019, on the file of the Sub Registrar, Srivilliputtur by considering her representation dated 18.11.2019.

3.When the Writ Petition came up for admission, this Court, *suo motu* impleaded the Inspector of Police, District Crime Branch, Virudhunagar, as sixth respondent and issued the impugned direction, directing him to register a case against the first appellant with a further direction that he should be taken into custody and the truth has to be enquired into.

4.We need not examine the controversy involved in the matter as it would lead to adjudication of the facts narrated in the counter affidavit filed by the respondents. The short ground, which requires allowing of the Writ Appeal is that the appellants did not receive notice of the proceedings and at the admission stage itself, the impugned order has been passed, which is in violation of the principles of natural justice. This is sufficient to set aside the impugned order dated 10.11.2020.

5.Accordingly, the Writ Appeal is allowed and the impugned interim order dated 10.11.2020 in W.P.(MD) No.15864 of 2020 is set aside. Since W.P.(MD) No.15864 of 2020 is still pending before the learned Single Judge, Registry is directed to list the Writ Petition before the appropriate Hon'ble Bench during the second week of June, 2021, subject to the convenience of the Hon'ble Bench and the matter may be heard and disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Inspector General of Registration,
Department of Registration,
Santham, Chennai - 600 028.

2.The District Registrar,
District Registration Office,
Srivilliputtur,
Virudhunagar District.

3.The Sub-Registrar,
Sub-Registration Office,
Srivilliputtur,
Virudhunagar District.

4.The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.

Copy to

The Section Officer, Writ Section,
Madurai Bench of Madras High Court,
Madurai.

(To List the WP during the IInd week of June 2021)

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-16156[F] dated 17/04/2021)

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate (SR-16450[F] dated 19/04/2021)

+1 CC to M/s.Additional GP (SR-16241[F] dated 17/04/2021)

W.A. (MD) No.285 of 2021
16.04.2021

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