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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.41580 of 2016

and

W.M.P.Nos.35587 to 35589 of 2016

1.N.Suresh

2.S.Kowsalya

...Petitioners

Vs.

1.The District Registrar
Namakkal District

2.The Sub - Registrar cum Registrar of Marriage,
Pallipalayam,
Namakkal District

3.Vignesh

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of FROM-III Certificate of Registration of Marriage dated 25.05.2016 registered in Serial No.192 of 2016 of Registrar of Marriage on the file of the 2nd respondent herein and the proceedings dated 05.08.2016 bearing Na.Ka. No.3347 / Aa3/ 2016 issued by the 1st respondent quash the same.

For Petitioners : Mr.R.Ragavendran

For R1 and R2 : Mr.R.P.Murugan Raja
Government Advocate

For R3 : No Appearance

O R D E R

The relief sought for in the present writ petition is to call for the records of FROM-III Certificate of Registration of Marriage dated 25.05.2016 registered in Serial No.192 of 2016 of



Registrar of Marriage on the file of the 2nd respondent herein and the proceedings dated 05.08.2016 bearing Na.Ka. No.3347 / Aa3/ 2016 issued by the 1st respondent quash the same.

2. The order of rejection dated 05.08.2016 rejecting the application submitted by the petitioners for cancellation of Marriage Registration Certificate is under challenge in the present writ petition.

3. The 1st petitioner is the father and the 2nd petitioner is the daughter of the 1st petitioner. The issue in nutshell to be considered is that, whether the order impugned passed by the District Registrar (Administration) rejecting the representation of the writ petitioners to cancel the marriage registration certificate is in accordance with law or not.

4. Admittedly, the marriage registration certificate was issued by the Registrar of Marriage on 25.05.2016. The certificate clearly states that the 3rd respondent and the 2nd petitioner registered their marriage as the marriage had been solemnized on 25.05.2016 at Arulmigu Sithi Vinayagar Thirukovul, Tiruchengode Main Road, Pallipalayam, Namakkal. Based on the application, the competent authority registered the marriage between the 2nd petitioner and the 3rd respondent and issued the certificate of registration of marriage. Thereafter, the petitioners submitted an application for cancellation of registration certificate. The said application was considered by the District Registrar (Administration), Namakkal, under the provisions of the Registration Act. The representation was rejected on the ground that the procedures as contemplated under the provisions of the Act and Rules were followed and the marriage registration done based on the declaration made by the 2nd petitioner and the 3rd respondent. Therefore, the request for cancellation cannot be considered at all.

5. The learned counsel for the petitioners states that the marriage between the 2nd petitioner and 3rd respondent was not solemnized on 25.05.2016. In view of the fact that the marriage was not solemnized, the certificate itself is null and void.

6. This Court is of the considered opinion that such an adjudication cannot be entertained in a writ proceedings under Article 226 of the Constitution of India. The 2nd petitioner and the 3rd respondent made a declaration before the competent authority under the provisions of the Act in a prescribed format and the marriage was registered by the authority and the certificate of marriage was also issued. This being the factum



established, if at all the marriage was not solemnized as per their customs, then the disputes require an adjudication with reference to the evidence including oral evidence. Such an exercise cannot be done in the present writ petition.

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7. Therefore, this Court is of the considered opinion that the order impugned has been issued in accordance with provisions of the Act as well as based on the declaration given by the 2nd petitioner and the 3rd respondent in the prescribed format in compliance with the provisions of the Registration Act and Rules. This being the factum established, the petitioners are at liberty to redress their grievances in the manner known to law before the Competent Court if at all they claim that the marriage was not solemnized or otherwise.

8. With this liberty, the Writ petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

Jeni/Cse

To

1.The District Registrar
Namakkal District

2.The Sub - Registrar cum Registrar of Marriage,
Pallipalayam,
Namakkal District.

+1cc to Mr.R.Murali, Advocate SR.No.61
+1cc to the Government Pleader, SR.No.656

W.P.No.41580 of 2016

NR(CO)
CB(21/01/2022)