

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.01.2022
CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No.18380 of 2021

Vaishali

..Petitioner

vs.

1 The Inspector General of Registration,
No.100, Santhome High Road,
Mulima Nagar, mandavelipakkam,
Raja Annamalai Puram, Chennai-28.

2. The District Registrar office,
Central Chennai,
No.268, Bharathi Salai,
Express State, Royapettah,
Chennai-14.

3. The Sub-Registrar Office,
No.1103, Poonamallee High Road,
Park Town, Poongavanapuram,
Periyamet, Chennai-07.

4. S.Hemanth

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue an order or direction or Writ and in particular Writ in the nature of a Writ of Mandamus directing the first respondent to consider the petitioner representation dated 01.07.2021 and further direct the first respondent to cancel the marriage Registration bearing Serial No.627/2021 issued by the 3rd respondent dated 25.06.2021.

For Petitioner : Mr. A.S.Neela Narayani

For Respondents : Mr.P.Sathish R1 to R3
Additional Government Pleader
Mr.Ramana Reddy R4

ORDER

The petitioner has filed this petition seeking direction to the first respondent to consider the petitioner representation dated 01.07.2021 and further direct the first respondent to cancel the marriage Registration bearing Serial No.627/2021 issued by the 3rd respondent dated 25.06.2021.

2. The facts of the case are as follows:

The petitioner is the resident of Mannadi Street, Thiruvallur District. During course of her study, she came to know about one Hemanth, who hails from Angalamman Koil Street, Arambakkam Gummidipoondi, Tiruvallur District. It is the further case of the petitioner that the petitioner and the said Hemanth had fell in love with each other and they have decided to register the marriage in SRO, Periamet as there was no possibility for accepting the marriage proposal by both the family. Thereafter, the marriage between the petitioner and the said Hemanth was registered in Serial No.627/2021 and the marriage certificate was issued under Tamil Nadu Registration of Marriage Act, 2009.

3. That being the case, the said Hemanth already had love affair with one Bhuvaneswari and the family members and elders have performed the marriage between them on 28.06.2021 as per the Hindu Rites and Customs. Hence, the petitioner have no intention to disturb the marriage life of the said Hemanth. The petitioner has made a representation first respondent to cancel the marriage between the petitioner and one Hemanth. Till date, no action was taken and therefore, the petitioner has filed the present writ petition to cancel the marriage registration.

4. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents to consider the representation of the petitioner dated 01.07.2021 and take appropriate action within the reasonable time as fixed by this Court.

5. The learned Additional Government Pleader appearing for the respondents submitted that once the marriage is registered, the first respondent have no power to cancel the registration of marriage. If at all the petitioner have grievance with regard to the second marriage performed by her husband Hemanth, the appropriate remedy available to the petitioner only before the competent civil Court or Family Court for dissolution of the marriage. Hence, the petition is not maintainable and the same is liable to be rejected.

6. Heard the learned counsel for the petitioner and perused the materials available on record. There is no adverse order passed against the respondents and therefore, notice to the respondents is dispensed with.

7. Admittedly the petitioner and one Hemanth registered their marriage with SRO, Periamet on 25.06.2021. Subsequently, the said Hemanth got married with one Bhuvaneswari on 28.06.2021 as per the Hindu rites and customs. In the meanwhile, the

petitioner made a representation before the first respondent to cancel the marriage. Once the registration is over, then it will be considered as they are legally wedded. The first respondent have no power to cancel the marriage between them. In case if the petitioner and her husband are agreed for divorce, then let them file a case under mutual consent seeking decree of divorce by canceling the aforesaid marriage only before the competent forum and not before this Court under the Article 226 of the Constitution of India. Hence, the prayer sought for by the petitioner is rejected.

8. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Rli

To

1 The Inspector General of Registration,
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+1 cc to Government Pleader Sr.NO. 4293

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KG(CO)
A.SK(03/03/2022)