



W.P.(MD)No.7112 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2022

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7112 of 2022

and

W.M.P(MD)No.5392 of 2022

K.Bharathi

... Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
Dindigul District.

3.The Sub Registrar,
Sub Registrar Office,
Dindigul, Dindigul District.

4.Rajapandian.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to Serial Number of Marriage: HMR/DINDIGUL JOINT I/155/2022 dated 23.03.2022, on the file of the third respondent and quash the same as illegal.



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For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.K.S.Selva Ganesan
Additional Government Pleader for R.1 to R.3

Mr.R.Shankar Ganesh for R.4

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

2.The petitioner belongs to Scheduled Caste community. She is presently pursuing her B.A degree course in Sivagangai District. The petitioner seeks cancellation of the petition mentioned marriage certificate. Notice was issued and the fourth respondent entered appearance through his counsel. The counsel appearing for the fourth respondent strongly controverted the allegations made in the affidavit filed in support of the writ petition. He called upon this Court to dismiss the writ petition.

3.The petitioner is a permanent resident of Ramanathapuram District. The fourth respondent is also a permanent resident of Ramanathapuram District. The petitioner and the fourth respondent appear to have fallen in



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love with each other. As per the impugned marriage certificate, on 23.03.2022, the writ petitioner married the fourth respondent; the marriage was solemnized by one M.Priyadharshini at No.206 Sathi Maruppu Thirumana Maiyam, YMR Patti, Gopal Nagar Vistharipu, Tamil Nadu. The writ petitioner claimed in the affidavit filed in support of the petition that no such marriage took place and that her signatures were obtained in blank papers by the fourth respondent. Since the issue concerned the marital status of the petitioner, I directed the her to appear in person before me. The petitioner categorically stated that the fourth respondent made use of her emotional condition and that the entire process was undergone in such a mental state. According to her, what happened cannot be called as marriage in the real sense. The learned counsel for the petitioner called upon this Court to set aside the impugned marriage certificate so that she can lead a free life.

4.The Hon'ble Division Bench in HCP Nos.2767 of 2013 and 2141 of 2014 dated 17.10.2014 had deprecated such practices. The Hon'ble Division Bench was pleased to observe that marriages performed in secrecy in the chambers of Advocates and Bar Association Rooms will not amount to solemnisation. The case on hand is quite similar. Nothing stopped the fourth respondent from marrying the petitioner under the Provisions of the Special Marriage Act. When the parties are permanent residents of Ramanathapuram



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District, the registration formalities were hurriedly gone through before the

Sub Registrar at Dindigul. The petitioner is a twenty one year old young woman. It is quite possible that she was in love with the fourth respondent. The fourth respondent had exploited her mental condition and made her to undergo all these formalities. Section 7A of the Hindu Marriage Act as applicable to Tamil Nadu provides for what is known as Suyamariyathai or Seerthiruththa marriages. The said provision clearly stipulates that the marriage has to be solemnized in the presence of relatives, friends or other persons. Each party to the marriage must declare that he/she declares the other to be his/her spouse. There can be tying of Thali or exchange of garlands or putting a ring. In this case, there is nothing on record to show that such statutory formalities were undergone. In all such cases, the registering authority must satisfy himself that the formalities set out in the Act were undergone. Without satisfying himself, the registering authority has mechanically effected registration in this case. There is no wedding invitation. I am more than satisfied that the case on hand is similar to the factual matrix that obtained in the aforesaid decision of the Hon'ble Division Bench. I have no hesitation to quash the impugned marriage certificate. Accordingly, it is quashed.



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5.The writ petition is allowed. No costs. Connected miscellaneous petition is closed.

13.06.2022

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Issue order copy by 21.07.2022.

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road, Chennai – 600 028.
- 2.The District Registrar, Dindigul District.
- 3.The Sub Registrar, Sub Registrar Office, Dindigul, Dindigul District.



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G.R.SWAMINATHAN, J.

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