



W.P(MD)No.20555 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.10.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20555 of 2014

G.Keerthika

... Petitioner

Vs.

1.The Sub Registrar,
Office of the Nanguneri Sub-Registrar,
Nanguneri,
Tirunelveli District.

2.The District Registrar,
Office of the District Registrar,
Tirunelveli,
Tirunelveli District.

3.The Deputy Inspector General
for Registration,
Office of the DIG for Registration,
St.Johns Hr. Sec. School - Back side,
Palayamkottai - 627 002,
Tirunelveli District.

4.K.Murali Rajan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 20.10.2014,



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to cancel the forged registration and fraudulently registered marriage certificate SI. No.43 of 2014, dated 23.05.2014, registered in the Sub-Registrar Office, Nanguneri, Tirunelveli District, based on the petition, dated 20.10.2014.

For Petitioner : M/s.V.Malaiyendran

For R-1 to R-3 : M/s.K.S.Selvaganesan
Additional Government Pleader

For R-4 : No appearance

ORDER

The present writ petition has been filed seeking a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner and to cancel the forged registration of the marriage in serial No.43 of 2014, dated 23.05.2014.

2. According to the petitioner, she has never entered into any marriage with the fourth respondent herein. However, by forgery, the fourth respondent was able to get the marriage registered before the first respondent herein. The learned Counsel for the petitioner further submitted that before registration of the said forged certificate, no marriage was solemnized as per the Hindu law. Hence, the certificate is a



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forged one. Based upon the said averments, a representation was given by the petitioner on 20.10.2014 to cancel the forged registration.

3. The Hon'ble Division Bench of this Court in **2009 (2) MLJ CRL 607** has held that mere registration of the marriage, without conducting the ceremonies as contemplated by the personal laws applicable to the parties, the marriage certificate is invalid. The learned Single Judge of this Court in a judgment reported in **2014 (2) LW page 985** has followed the said judgment. The Hon'ble Division Bench of our High Court in a judgment reported in **1995 (2) LW page 95** has held that mere registration of the marriage is not sufficient to prove the marriage, unless the marriage has already taken place in accordance with the personal laws of the parties. Recently, our High Court in a judgment reported in **2021 (3) LW page 820** has held that such registration of the marriage, without performing the marriage ceremonies is invalid in the eye of law and has quashed the marriage certificate. A perusal of the marriage certificate indicates that even the date on which the marriage was solemnized has not been mentioned and the marriage invitation annexed to the registration is also doubtful.



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4. In view of the above said facts, the first respondent is directed to consider the representation of the writ petitioner, dated 20.10.2014, after giving due opportunity to the petitioner and the fourth respondent herein and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. The writ petition stands allowed. There shall be no order as to costs.

13.10.2022

Index : Yes / No
Internet : Yes / No
btr

To

1.The Sub Registrar,
Office of the Nanguneri Sub-Registrar,
Nanguneri,
Tirunelveli District.

2.The District Registrar,
Office of the District Registrar,
Tirunelveli,
Tirunelveli District.



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btr

3.The Deputy Inspector General
for Registration,
Office of the DIG for Registration,
St.Johns Hr. Sec. School - Back side,
Palayamkottai - 627 002,
Tirunelveli District.

Order made in
W.P(MD)No.20555 of 2014

13.10.2022