



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.22911 of 2021

R.Balakrishnan

... Petitioner

vs.

1.The District Collector,
Theni District, Theni.

2.The Superintendent of Police,
Theni District, Theni.

3.The Inspector of Police,
Chinnamanur Police Station,
Theni District.

4.The Sub Registrar,
Chinnamanur Sub Registrar Office,
Chinnamanur, Theni District.

5.The Commanding Officer,
Indian Military Service,
(No.418 Pet P1 Asc Pin-905418
c/o.99 APO),

6.The Village Administrative Officer,
Theni, Theni District.

7.Kanmani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fourth respondent to cancel the marriage registered on 25.01.2016 in serial No.03/2016 and consequently direct the first respondent to take appropriate action against the sixth respondent for false first marriage certificate given to the seventh respondent on the basis of the petitioner's representation.

For Petitioner : Mr.S.Muniyandi

For R1 to 4 and 6 : Mr.D.Ghandiraj

Special Government Pleader

O R D E R

Heard Mr.S.Muniyandi, learned counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader, who takes notice for the respondents 1 to 4 and 6. In view of the nature of the order now passed, notice is not directed to the fifth and seventh respondents.



2.The writ petition has been filed in the nature of Writ of Mandamus, seeking a direction to the fourth respondent/Sub-Registrar, Chinnamanur Sub-Registrar Office at Theni District to cancel the marriage registered on 25.01.2016 in Serial No.03/2016, which marriage had been registered between the petitioner and the seventh respondent. It is stated that necessary action should also be initiated against the sixth respondent/Village Administrative Officer, Theni, for giving a false first marriage certificate to the seventh respondent.

3.*Prima facie*, this Court cannot issue such a mandamus. If the petitioner has some grievance with respect to the nature of marriage ceremony through which he went, it is for him to approach the appropriate Court of law seeking appropriate relief under the necessary statute. The Writ jurisdiction cannot be invoked in these circumstances.

3.It is seen that the petitioner in his affidavit has raised some allegations against the seventh respondent claiming that she had been married earlier. Even if that be the case, the petitioner, if he wants to annul the marriage held between him and the seventh respondent, he must go to the appropriate Court and let in evidence with respect to the said first marriage of the seventh respondent, let in evidence with respect to his ignorance of the first marriage and also let in evidence with respect to being misled regarding the credentials of the seventh respondent. These are facts to be established in a Court of law where evidence can be recorded and appreciated and not before a Writ Court.

4.The writ petition, therefore, stands dismissed giving necessary liberty to the petitioner to move the appropriate Court of law seeking necessary relief. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

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.



To

- 1.The District Collector,
Theni District, Theni.
- 2.The Superintendent of Police,
Theni District, Theni.
- 3.The Inspector of Police,
Chinnamanur Police Station,
Theni District.
- 4.The Sub Registrar,
Chinnamanur Sub Registrar Office,
Chinnamanur, Theni District.
- 5.The Village Administrative Officer,
Theni, Theni District.

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