



W.A.No.1390 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.1390 of 2021

S.Vanitha

.. Appellant

Vs.

1. The District Collector
Villupuram Collectorate
Collector Office Road
Moovendar Nagar
Villupuram 605 602.
2. The Sub Registrar
Office of the Sub Registrar
Vallam 604 206.
3. U.Raguvaran

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 21.12.2020 made in W.P.No.19371 of 2020.



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For the Appellant : Mr.P.Dinesh Kumar

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for Respondents 1 & 2

Mr.C.Uma Shankar
for Respondent-3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.P.Dinesh Kumar, learned counsel for the appellant, Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 and 2 and Mr.C.Uma Shankar, learned counsel for the third respondent.

2. The writ petition was filed challenging the certificate of registration. The learned Single Judge did not entertain the writ petition. However, observed that it is open to the writ petitioner to approach the competent civil Court/Family Court for annulling the marriage. The said order is assailed in the present appeal.



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3. Learned counsel for the appellant submits that while registering the marriage and/or issuing the marriage certificate, the second respondent is required to adhere to the Rules. Rule 5 of the Tamil Nadu Registration of Marriage Rules, 2009 has not been adhered to. Memorandum of Registration of Marriage in Form I should be delivered in person or sent to the Registrar, along with the application in Form II within 90 days from the date of marriage. In the present case, Form II was never submitted to the Registrar. In the absence thereof, the marriage could not have been registered. Inter alia, the marriage registration certificate ought to have been set aside.

4. Learned Special Government Pleader submits that all the relevant documents were placed before the Registrar and the Registrar, upon satisfaction, has registered the same.

5. Learned counsel for the third respondent submits that all



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the documents required under the Rules were submitted and thereafter, the marriage was registered.

6. We have considered the submissions.

7. The learned Single Judge has observed that the writ petition is filed five years after the marriage was registered. It is further observed by the learned Single Judge that even if the registration certificate is cancelled, the marriage would not get annulled. The appellant/writ petitioner will have to approach the competent civil Court/Family Court for annulling the marriage.

8. Moreover, in the present case, it would be a disputed question of fact as to whether all the relevant Forms were placed before the Registrar. The Tamil Nadu Registration of Marriages Act, 2009, coupled with Rules, 2009 provides for a remedy of appeal.

9. We do not find the reasoning of the learned Single Judge to



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be erroneous. In the light of that, we are not inclined to entertain the present appeal. With regard to the remedy of appeal, it is for the party to avail the remedy as may be permissible under law and if maintainable.

10. The writ appeal is disposed of. There will be no order as to costs. Consequently, C.M.P.No.8621 of 2021 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

14.12.2023

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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