



W.P.No.7919 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.7919 of 2023

1.Parthiban.K

2.Sucharita Mohanty

... Petitioners

Vs.

The Sub-Registrar,
Sub-Registrar Office,
Coimbatore City Corporation,
No.7, Kalapatti Road, Ramanandha Nagar,
Sarvanampatti, Coimbatore – 641 035.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 30.12.2022 passed by the respondent herein in HMA/ONLINE/21976454/2022, quash the same and direct the respondent to register the Marriage under Hindu Marriage Act, 1955 without Ration card as Identity Proof of Document.

For Petitioners : Ms.C.Parkavi

For Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader



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ORDER

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W.M.P.No.8175 of 2023 is filed to permit the petitioners to file the writ petition jointly is allowed, subject to payment of separate sets of court-fee by the petitioners within a period of two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2.The Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 30.12.2022 passed by the respondent in HMA/ONLINE/21976454/2022, quash the same and to direct the respondent to register the Marriage under Hindu Marriage Act, 1955 without Ration card as Identity proof of Document.

3.The case of the petitioners is that the petitioners got married and the second petitioner applied for registration of their marriage before the respondent vide Application Reference No.S01MREGVV202212290057398 dated 30.12.2022. However, the



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respondent rejected the application on the ground that the petitioners have not furnished the original ration card for address proof vide impugned order HMA/ONLINE/21976454/2022 dated 30.12.2022. Challenging the same, the present writ petition is filed before this Court for appropriate directions.

4.The learned counsel for the petitioners would submit that, for residential proof, driving license is sufficient for registering the marriage. However, insisting to produce the ration card is not maintainable. Accordingly, he prayed for appropriate orders.

5.The learned Additional Government Pleader appearing for the respondent submits that proof of address and identity is mandatory and any valid document would be entertained including the ration card. Further, it is submitted that driving license cannot be taken to be a valid proof as there may be change of address and in such background, if ration card is directed to be produced, it cannot be said to be bad. Accordingly, he prays for dismissal of the writ petition.



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6. Though such a contention has been advanced by the learned Additional Government Pleader, the same cannot be accepted as, as per law, if driving license is a proof of residence as well as identity, it could very well be entertained. In such circumstances, this Court sets aside the impugned order dated 30.12.2022 passed by the respondent in HMA/ONLINE/21976454/2022 and remand the matter back to respondent for fresh consideration and the petitioners are directed to produce the necessary documents including the proof of residence before the respondent within a period of one week from the date of receipt of a copy of this order and if such proof is filed, the respondent is directed to entertain the same, without insisting to produce the ration card and pass appropriate orders, within a period of four weeks thereafter.

7. Accordingly, the Writ Petition is allowed with the above terms.

No costs.

20.03.2023

Index : Yes / No

Speaking order / Nonspeaking order

Neutral Citation Case : Yes / No

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The Sub-Registrar,
Sub-Registrar Office,
Coimbatore City Corporation,
No.7, Kalapatti Road, Ramanandha Nagar,
Sarvanampatti, Coimbatore – 641 035.



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M.DHANDAPANI, J.

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