



W.P.No.9489 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.9489 of 2023
and W.M.P.Nos.9556 of 2023

Aarthy Lakshmi

.. Petitioner

Vs.

1. The Inspector General of Registration,
The Registrar General of Marriage Registration,
100, Santhome High Road, Mylapore,
Chennai 600004.
2. The District Registrar,
Office of the District Registrar,
Thiruppathiripuliyur,
Cuddalore 607002.
3. The Sub-Registrar Joint-II
Joint Sub-Registrar's office-II
Kesava Nagar,
Thirupapuliyur,
Cuddalore 607002.

4.Karthi

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus directing the respondents 2 & 3 calling for records in respect of Marriage Registration Certificate SI.No.TMR/Cuddalore Joint 11/15/2019 dated 13.05.2019 and to quash the same as illegal on the file of the 3rd respondent and consequently direct the 2nd respondent to delete the entry in the books of Marriage register maintained by the 3rd respondent.

For Petitioner : M/s.DR.S.S.Swaminathan

For Respondents : Mr.K.M.D.Muhilan,
Additional Government Pleader for R1 to R3.

ORDER

This Writ Petition has been filed challenging the Marriage Registration Certificate dated 13.05.2019 issued by the 3rd respondent and for a direction to the 2nd respondent to delete the entry made in the books of the Marriage register.

2. It is the case of the petitioner that during the final year of her graduation in B.Sc(Hons) Agriculture in Annamalai University, the 4th



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respondent who was assigned as a guide in pursuing the project work, having access to the petitioner's School certificates, photos, ID cards etc, had illegally registered the marriage with the petitioner without her knowledge by forcing her to sign certain papers and to appear before the registrar's office as witness for his marriage with his ex-girlfriend, at which time, by producing a fake temple receipt as if the marriage took place in the temple on 08.04.2023. However, the petitioner could not refuse the aforesaid act of the 4th respondent as the petitioner was threatened by the 4th respondent with dire consequences.

3. It is the further case of the petitioner that subsequent to the marriage registration, the 4th respondent started disturbing the petitioner, pursuant to which, the petitioner has lodged a complaint before the law enforcing agency and CSR was also issued, however, the said complaint was closed. Since, the alleged marriage did not take place according to the Hindu rites & customs, which is not valid, the petitioner is before this Court seeking quashment of the impugned marriage certificate.



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4. Learned counsel for the petitioner submitted that the issue involved in this case is no longer *res integra* as the similar issue was already considered by the Madurai Bench of this Court in case of ***B.Sahar Banu Vs Inspector General of Registration & 3 others*** in W.P.No. 7288 of 2015 vide order dated 17.10.2022, wherein, the learned Single Judge has quashed the Marriage Registration Certificate. Hence, the similar relief may be granted to the petitioner herein as well.

5. On the above contention, this Court heard the learned Additional Government Pleader appearing for Respondents 1 to 3 and perused the materials available on record.

6. It is the admitted case of the petitioner that her marriage has been registered with the 4th respondent wherein, she has signed relevant papers required for registration of the marriage. It is the claim of the petitioner that she was not present on that day when the marriage was alleged to have taken place at the temple. It is the further claim of the



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petitioner that since the marriage did not take place according to the Hindu rites and customs, the said marriage is not valid.

7. Though aforesaid allegations have been made, however, it is evident from the materials available on record that the marriage was registered in the year 2019, however, the petitioner has filed the Writ Petition only in the year 2023, after a lapse of four years from the date of marriage registration and the delay has not been explained. Though the petitioner claims that she was not present on the day when the marriage was alleged to have taken place at the temple, however, no materials have been placed before this Court. Further, it is even the admitted case of the petitioner that she has subscribed her signature in the registration forms leading to the registration of the marriage. Such being the admitted case, in the absence of any material to substantiate the claim of the petitioner with regard to the marriage and also the resultant registration on the basis of the coercion, this Court cannot interfere with the impugned order. Further, the claim of the petitioner with regard to the invalidation of the marriage being the disputed question of fact, the same cannot be decided under Article 226



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and the proper course open for the petitioner is to work out her remedy before the competent forum.

8. For the reasons aforesaid, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

28.03.2023

Index : Yes / No

Internet : Yes / No

NHS



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To

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M.DHANDAPANI, J.

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