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W.P.No.12749 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.12749 of 2023

Krishnaswami

... Petitioner

Vs.

1. The Inspector General Registration,
No.100, Santhome High Road,
Raja Annamalai Puram,
Chennai – 600 028.
2. Deputy Inspector General Registration,
The Commercial Taxes and Resgistration,
Nandanam, Chennai – 600 035.
3. The Sub Registrar,
Office of Sub Registrar,
No.38, 3rd Main Road,
Ram Nagar, Jagannathapuram,
Velachery Chennai – 600 042.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to consider the petitioner's representation dated 05.04.2023 and to directing the 2nd and 3rd respondent to issue a Non Availability Certificate (NAC) of marriage registration of petitioner's and petitioner wife Smt.Sulochana Krishnaswami within a time bound manner.



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

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus to consider the petitioner's representation dated 05.04.2023 and to direct the 2nd and 3rd respondents to issue a Non Availability Certificate (NAC) of marriage registration of petitioner's and petitioner wife Smt.Sulochana Krishnaswami.

2. It is the case of the petitioner that the petitioner is a senior citizen. The petitioner applied through his wife for the permanent residency in USA by filing Form-I-130, Petition for Alien Relative, with US Citizenship and Immigration Services (USCIS). In order to process the request for grant of permanent residency in USA, the USCIS sought for marriage certificate showing the registration of the petitioner with his wife or in the alternative to submit a non-availability certificate supported by the secondary evidence regarding the marriage. While so, the petitioner made representation before the respondents dated 05.04.2023, seeking issuance of non-availability of marriage certificate (NAMC). Since the same was not considered, the present



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writ petition has been filed.

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3. Though very many grounds have been raised in the above writ petition, it would suffice if this Court issues a direction to the respondents 2 and 3 to consider the petitioner's representation dated 05.04.2023 and pass appropriate orders within the time frame that may be fixed by this Court.

4. Learned Additional Government Pleader appearing for the respondents submitted that the petitioner's representation will be considered and appropriate orders will be passed in the manner known to law.

5. Heard learned counsel appearing on either side and perused the materials placed before this Court.

6. In view of the submission made by the Additional Government Pleader appearing for the respondents, this Court without expressing any opinion on the merits of the case, directs the respondents 2 and 3 to consider the petitioner's representation dated 05.04.2023 and pass appropriate orders on merits and in accordance with law on or before 30th April of 2023.



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7. With the above direction, this writ petition is disposed of.

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Index : Yes / No

Speaking order / Nonspeaking order

Netruial Citation Case : Yes / No

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Note to Office: Issue order copy on or before 28.04.2023



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To

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M.DHANDAPANI, J.

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