



WEB COPY

W.P.No.27250 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27250 of 2023

U.Faseelah Banu

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

2.The District Registrar,
Registration Department,
1st Floor, Kuralagam,
Parrys,
Chennai – 600 108.

3.The Sub-Registrar,
Registration Department,
No.26, Rajaji Salai,
Royapuram,
Chennai – 600 013.

4.S.Saran

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to cancel the certificate of registration of marriage registered at the Office of the 3rd respondent vide Marriage Serial No.TMR/Royapuram/527/2022, dated 06.04.2022 as illegal and in view of the petitioner's representation, dated 20.04.2023.

For Petitioner : Mrs.Karthikaa Ashok

For Respondents : Mr.T.Arunkumar for R1 to R3,
Additional Government Pleader.

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the petitioner's representation dated 20.04.2023 and cancel the Certificate of Registration of Marriage registered at the Office of the 3rd respondent vide Marriage Sl.No.TMR/Royapuram/527/2022 dated 06.04.2022.

2. The petitioner states that she belongs to Muslim Religion and is pursuing Physiotherapy (BPPT Course) and is now attending internship. The 4th respondent who is the childhood friend of the petitioner had proposed to



marry the petitioner. The petitioner resisted for solemnization of marriage since she belongs to the Muslim Community and the 4th respondent belongs to different faith.

3. The 4th respondent promises the petitioner that he will convert his religion and will become a Muslim in order to marry her. The petitioner accepted his love and relationship and executed the registration of marriage and the Certificate of Registration of Marriage was issued by the Competent Authority under the provisions of the Act.

4. The learned Counsel for the petitioner mainly contented that the Marriage was solemnized by fraud and coercion and therefore, it is null and void in the eye of law. The Certificate of Registration of Marriage which was issued is also to be declared as null and void.

5. The Writ Court cannot entertain such a relief which would affect the Civil Rights of the parties. Declaration of a Marriage as null and void or to declare the Marriage Certificate issued by the Competent Authority as void is to be undertaken in trial nature proceedings before the Competent Civil Court



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of Law. Such an elaborate enquiry cannot be entertained by the High Court in writ proceedings under Article 226 of the Constitution of India. More so, personal laws are involved and both the petitioner and the 4th respondent belong to different religious faiths.

6. Taking note of these facts and circumstances, the parties are at liberty to approach the competent Court of Law for the purpose of redressing their grievances in the manner known to law.

7. Accordingly, the Writ Petition stands disposed of . No costs.

26.09.2023

VEDA/MKN2

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes /No

To

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