



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.15864 of 2020

C.Susila

... Petitioner

vs.

1.The Inspector General of Registration,
Department of Registration,
Santham,
Chennai – 600 028.

2.The District Registrar,
District Registration Office,
Srivilliputtur,
Virudhunagar District.

3.The Sub Registrar,
Sub Registration Office,
Srivilliputtur,
Virudhunagar District.

4.K.Selvaraj

5.Mariyammal

6.The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.

... Respondents

*(R-6 is suo motu impleaded vide Court Order dated
10.11.2020 in W.P.(MD).No.15864 of 2020)*



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to cancel the fake marriage registration certificate vide with marriage serial No.TMR/Srivilliputtur/83/2019 dated 04.04.2019 on the file of the third respondent office based on the petitioner's representation dated 18.11.2019 within the time limit that may be stipulated by this Court.

For Petitioner : M/s.C.Vijalakshmi
For R-1 to R-3 : Mr.B.Saravanan,
Additional Government Pleader.
For R-4 and R-5 : Mr.M.Jothi Basu
For R-6 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

ORDER

This Writ Petition is filed for Mandamus, directing the second respondent to cancel the fake marriage registration certificate vide Marriage Serial No.TMR/ Srivilliputtur/83/2019 dated 04.04.2019 on the file of the third respondent office based on the petitioner's representation dated 18.11.2019.

2. The contention of the petitioner is that the petitioner belongs to Pallar Community and the 4th respondent belongs to Maravar Community and they were in love from 2009 onwards, then married on 30.12.2015 at the 4th respondent Village Vinayakar Temple in the presence of both side elders as per



Hindu rituals and were living in the matrimonial home for the past 4 years.

During the matrimonial life, an ancestral house property was settled in favour of the petitioner by her parents vide Document No.1759 of 2015. Thereafter, the petitioner had settled the said property in the name of the fourth respondent on 06.01.2016 vide Document No.27 of 2016. Again, for getting loan on 21.01.2016, the fourth respondent executed general power of attorney in favour of the petitioner and the same was registered in Document No.150 of 2016 and based on the same, the petitioner had availed loan. In all the above transactions, the petitioner was shown as wife of the fourth respondent.

3. But the fourth respondent has concealed the marriage with the petitioner and had married the fifth respondent on 01.04.2019 and registered the marriage on 04.04.2019. The contention of the petitioner is that the fourth respondent has forged the first marriage certificate as if it was issued by Pillaiyarkulam Village Administrative Officer, but the marriage certificate was also issued by the third respondent. The petitioner contended that the fourth respondent has created false documents and committed criminal breach of trust. At the time of admission after hearing the submissions of the petitioner and by taking the settlement deed into consideration, this Court vide order dated



10.11.2020 suo motu impleaded the Inspector of Police and directed the Inspector of Police to take the 4th and 5th respondents into custody. Aggrieved over the same, the 4th and 5th respondents had preferred Writ Appeal in W.A. (MD)No.285 of 2021 and the Hon'ble Division Bench vide order dated 16.04.2021 has set aside the interim order passed in the interim petition dated 10.11.2020 and directed the Writ Court to hear the case on merits. In effect the interim order is quashed by the Hon'ble the Division Bench, hence the order impleading the Inspector of Police is also quashed.

4. It is brought to the knowledge of this Court that the petitioner had filed a petition under section 156(3) in CrI.M.P.No.1798 of 2019 before the Principal District and Sessions Court, Virudhunagar District, Srivilliputtur (Special Court for S.C. & S.T. (POA) Act) and the same was dismissed vide order dated 07.12.2019. Aggrieved over, the petitioner had preferred CrI.R.C.No.168 of 2020 on the file of High Court and the same was dismissed vide order dated 16.06.2020 with liberty to file a petition under Section 200 Cr.P.C. Therefore, the petitioner is at liberty to submit a petition under Section 200 Cr.P.C, if so advised.



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5. As far as the prayer in the Writ Petition is concerned, the petitioner's appropriate remedy is before the Civil Court. The petitioner is at liberty to file appropriate petition before the Civil Court and the Civil Court shall consider the same and pass orders in accordance to law. The period during which the writ petition was pending cannot be counted for determining limitation to file a civil suit.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Nsr

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S.SRIMATHY, J

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W.P.(MD)No.15864 of 2020

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