



W.P.(MD) No.17741 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.17741 of 2016
and
W.M.P(MD) No.12798 of 2016

J.Nagarathinam

... Petitioner

Vs.

1. The Registrar of Marriage,,
Sub-Registrar Office, Chockkikulam,
Madurai.

2. P.Karuppasamy

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned Form-III Certificate of Registration of Marriage in Sl.No. 276/2016 dated 07.05.2016 issued by the 1st respondent and quash the same.

For Petitioner :Mr.Arun Jayatram

For Respondents :Mr.C.Satheesh
Government Advocate for R1
No appearance for R2



WEB COPY



W.P.(MD) No.17741 of 2016

ORDER

The petitioner assails a certificate of registration of marriage dated 07.05.2016.

2. The petitioner states that the second respondent requested the petitioner to come to Madurai in relation to obtaining employment for the petitioner in a private college. Thereafter, the petitioner alleges that the second respondent took the petitioner to the office of the first respondent without her free consent and registered a marriage between the petitioner and the said second respondent. After lodging a complaint on 09.05.2016 with the Inspector of Police, Devathanapatti Police Station, Theni District, the present writ petition was filed.

3. Learned counsel for the petitioner submits that the petitioner did not appear in person before the registering authority. He further submits that the entire process took place without the free consent of the petitioner and, therefore, the registration of the marriage is liable to be quashed.



W.P.(MD) No.17741 of 2016

WEB COPY

Learned counsel also relies upon the counter of the second respondent. He points out that the second respondent agreed, in paragraph 4 of the counter, to the writ petition being allowed.

4. Pursuant to directions issued at the earlier hearing, learned Government Advocate has produced the documents that were submitted before the first respondent. The said documents include the application dated 07.05.2016. The said application has been jointly submitted by the petitioner and the second respondent and bears their signatures. The Memorandum of Registration of Marriage in Form-1 is enclosed. It bears the signatures and photographs of the petitioner and the second respondent. The petitioner and the second respondent had also submitted a sworn affidavit. In such sworn affidavit, it is stated that the marriage was solemnized on 07.05.2016 in the presence of friends as a Suyamariyadhai (self-respect) Marriage.

5. In these circumstances, notwithstanding the concession by the second respondent, the marriage certificate cannot be cancelled in exercise



W.P.(MD) No.17741 of 2016

WEB COPY

of discretionary jurisdiction by this Court. If the petitioner and the second respondent intend to dissolve their marriage, the said party should approach the appropriate family court for annulment or divorce, as the case may be.

6. W.P. (MD) No.17741 of 2016 is disposed of on these terms without any order as to costs. Consequently, connected miscellaneous petition is closed.

03.04.2023

NCC :No
Internet :Yes
Index :No
PKN

To

The Registrar of Marriage,,
Sub-Registrar Office, Chockkikulam,
Madurai.



WEB COPY



W.P.(MD) No.17741 of 2016

SENTHILKUMAR RAMAMOORTHY, J.

PKN

W.P.(MD)No.17741 of 2016

03.04.2023