



W.P.No.12056 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.12056 of 2020

S.Mohan Raj

...Petitioner

-Vs-

1.The Registrar (Marriage)
Office of the Registrar General,
Santhome High Road,
Mylapore, Chennai - 600 004.

2. The District Registrar
Office of the Registrar
Opposite to Beach Railway Station
Parrys, Chennai

3. The Joint Registrar
Office of the Registrar
Opposite to Beach Railway Station
Parrys, Chennai

4. M.Gokulnath

5. Srinivasan

6. M.Manimegalai

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issue a writ of Mandamus directing the second respondent



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herein to dispose the petitioners representation dated 18.06.2020 within time frame stipulated by this Court.

For Petitioner : Mr.S.Kingston Jerold
For R1 to R3 : Mr.Yogesh Kanadasan
Additional Government Pleader
For R4 to R6 : Not ready in Notice

ORDER

This writ petition is filed to issue a direction, directing the second respondent herein to dispose of the petitioner's representation dated 18.06.2020 within time frame stipulated by this Court.

2. The case of the petitioner is that the petitioner's daughter was by force taken by one Mr.Gokulnath along with his friends on 22.05.2020. On 21.02.2020, it was informed by the police that the marriage was solemnized between the said Gokulnath and daughter of the petitioner and the same was registered before the second respondent. While in enquiry, the petitioner came to understand that the documents were fabricated for the purpose of registration of marriage. The third respondent also acted beyond his jurisdiction. Hence the petitioner made a complaint before the first and second respondent on 18.06.2020, but no action was taken by the



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respondents. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. The Counter affidavit is filed by the third respondent on 24.11.2022 and the relevant paragraphs are extracted hereunder for better appreciation and understanding:-

“4. With regard to Para 7 of the affidavit, it is submitted that the 4th respondent, his wife M.Hemalatha, two witnesses have attended the office of this respondent in person. M.Hemalatha has presented an application stating that the marriage was solemnized between her and Gokulanath on 21.02.2020 at Lakshmi Mini Hall, Mannady, Chennai the marriage was solemnized with her desire and nobody compelled her and requested to register the marriage Mrs.Manimegalai, the mother of 4th respondent has given a statement that the marriage of Gokulnath and Hemalatha was solemnized in her presence. This respondent has no authority to entertain any complaint against the marriage which has already been registered and hence the complaint of the petitioner has been dismissed for want of authority. It is submitted that the then Registrar, on satisfying with the particular furnished by the parties, has registered the marriage as No. 258/2020 on 21.02.2020.

5. With regard to Para 8 of the affidavit, it is submitted that it is seen that the name of the Revenue



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Village has been mentioned as Purasawalkam Part I is not correct as the Correct Revenue Village is V.O.C. Nagar. The marriage cannot be said to be illegal for the reason that the Revenue Village of the place of marriage has been mistakenly mentioned as Purasawalkam Part I instead of V.O.C. Nagar. The Tamil Nadu Registration of Marriages Act, 2009 and the rules made thereunder does not provide for conducting any enquiry on the complaint regarding marriage which has been registered with incorrect particulars.”

4. In view of the above, direction cannot be issued to the second respondent as prayed for in this writ petition. Hence the writ petition is dismissed as devoid on merits. No costs.

18.06.2024

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Index: Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No



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To

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