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W.P.No.33042 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.33042 of 2024

Evangelin Rhema

... Petitioner

VS.

1.The District Registrar (Admin),
The Deputy Inspector General of Registration Grade
Registration Department, District Registrar Office,
North Chennai.

2.The Sub Registrar, (District Registrar Grade)
Registration Department, Ambattur.

3.Prathipan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to cancel the Certificate of Marriage Registration in M.No. CMR/Inspector General of Registration/1022/2022, S.No.3326/2022 issued by the 1st Respondent herein, Registered on his file on 07.05.2022 based on the Representation sent by the Petitioner to the 1st Respondents and the same was forwarded to the 2nd Respondent on 20.04.2023 within a stipulated period.

For Petitioner : Mr.Arun Swaminathan.RM

For R1 and R2 : Mr.C.Sathish
Government Advocate

For R3 : Mr.S.Chandrasekar



W.P.No.33042 of 2024

ORDER

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The petitioner herein seeks a direction to the 1st respondent to cancel the Certificate of Marriage Registration in M.No.CMR/Inspector General of Registration/1022/2022, S.No.3326/2022 issued by the 1st respondent, registered on his file dated 07.05.2022 based on the representation of the petitioner.

2. It is the case of the petitioner that the Marriage Certificate was obtained by the 3rd respondent fraudulently by producing bogus document as if, the marriage between the petitioner and 3rd respondent got solemnised on 07.05.2022. It is asserted by the petitioner that there was no valid solemnization of marriage between the petitioner and the 3rd respondent. The declaration to that effect submitted before the Registering Authority was obtained fraudulently and illegally from the petitioner. It is also stated by the petitioner that she lodged a complaint against the 3rd respondent before All Women Police Station, Rameshwaram and FIR has been registered against him in Crime No.2 of 2023 under Sections 6 and 5(1) of POCSO Act 2012 read with 67(A) of the Information Technology Act, 2000.



W.P.No.33042 of 2024

3. The contesting 3rd respondent filed a counter affidavit, wherein he has stated that the Registration of Marriage was done before the 2nd respondent without physical presence of the petitioner. He also expressed his no objection for cancellation of Certificate of Marriage issued by the 2nd respondent dated 07.05.2022. The relevant averment in the counter affidavit of the 3rd respondent reads as follows:-

“3. I submit that as per the allegation made in the affidavit filed by the petitioner in para 5, I met one Pastor namely Dr.P.Ebenezer through my friend and based on the help rendered by his friends I have registered the said marriage before the second respondent without physical appearance of the Petitioner which is challenged before this Hon'ble Court. I completely agreed to cancel the said Certificate of marriage registration issued by the second respondent in M.No.CMR/IGR/1022/2022, S.No.3326/2022 registered on 07.05.2023 on the file of the first respondent without any condition.”

4. When the matter was taken up for hearing on 27.11.2024, the 3rd respondent himself was present before this Court and affirmed the averments found in the affidavit.



W.P.No.33042 of 2024

5. In view of the fact that the 3rd respondent himself admitted that the

Registration of the Marriage was done without physical presence of the petitioner and also the fact he expressed his no objection for cancellation of Marriage Certificate, this Court is inclined to allow the Writ Petition and the Marriage Certificate in Registration in M.No.CMR/Inspector General of Registration/1022/2022, S.No.3326/2022, dated 07.05.2022 issued by the 1st respondent stands cancelled. However, it is made clear that this Court is not going into the question whether there was a valid solemnisation of alleged marriage between the petitioner and the 3rd respondent. The said question has to be decided only by the Competent Court, if the necessity arises.

6. In the result, the Writ Petition is allowed. No costs.

06.12.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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W.P.No.33042 of 2024

To

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W.P.No.33042 of 2024

S.SOUNTHAR, J.

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W.P.No.33042 of 2024

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