



W.P.(MD)No.8414 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.8414 of 2018
and W.M.P.(MD)No.7958 of 2018

1.G.Mathiyavan
2.Ramya

... Petitioners

Vs.

1.The District Registrar,
O/o. District Registrar,
Periyakulam,
Theni District,
Theni.

2.The Sub-Registrar,
O/o.Sub Registrar,
Theni District,
Theni.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings dated 02.04.2018 on the file of respondent No.2 and quash the same as illegal and consequently direct the respondent No.2 to register the petitioner's marriage under Section 7A of the Hindu Marriage Act, 1955.



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W.P.(MD)No.8414 of 2018

For Petitioners : Ms.Syed Seeni Amma
for Mr.T.Lajapathi Roy

For Respondents : Mr.C.Satheesh,
Govt. Advocate.

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings dated 02.04.2018 on the file of respondent No.2 and quash the same as illegal and consequently direct the respondent No.2 to register the petitioner's marriage under Section 7A of the Hindu Marriage Act, 1955.

2. According to the petitioners, their marriage is only a suyammariyathai and seerthiruththa marriage, which was conducted on 18.02.2018 at Coimbatore in the union hall, who deal with the similar type of marriage. When the first petitioner, presented the certificate issued by the Kalapputhirumanam Purindor Nalasangam before the 2nd respondent for registration, the same has been returned through the impugned order on the ground that VAO certificate has not been annexed and the place of marriage has also not been established. Challenging the same, the petitioner has filed this Writ Petition.



W.P.(MD)No.8414 of 2018

3. The learned counsel for the petitioners submitted that the petitioners are blessed with a male child and they are also living happily.

4. It is the stand of the respondents in their counter affidavit that though in the community certificate of the 1st petitioner, the residential address of the petitioner has been stated as Ammachiyapuram Village of Andipatti Taluk, in the marriage application form, Theni address has been given and to substantiate and confirm this address, no documentary evidence has been produced at the time of application. It is further stated that the Division Bench of this Court in H.C.P. (MD)No.1722 of 2015 has held that the Registering Authority is supposed to satisfy himself prima facie that a marriage, in fact, took place and the said marriage was a valid marriage. Following the same, the marriage of the petitioners has not been registered.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court is of the view that it is not disputed by the respondents that the petitioners have



W.P.(MD)No.8414 of 2018

performed the suyammariyathai and seerthiruththa marriage. It is a valid marriage as per Section 7A of the Hindu Marriage Act, 1955. As the marriage was performed in the year 2019, they are living together and a child was also born to them, the evidence of registration of such marriage is required. Therefore, mere technicalities, the impugned order cannot stand. Accordingly, the same stands quashed and the respondents are directed to register the petitioners marriage and issue marriage certificate to the petitioners, within a period of one week from the date of receipt of a copy of this order.

7. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.08.2024

NCC : Yes/No
Index : Yes/No
vsm



W.P.(MD)No.8414 of 2018

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 - 2.The Sub-Registrar,
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W.P.(MD)No.8414 of 2018

N.SATHISH KUMAR, J.

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W.P.(MD)No.8414 of 2018

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