



W.P.No.25681 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:11.03.2025

Coram:

THE HON'BLE MR.JUSTICE D. BHARATHA CHAKRAVARTHY

W.P.No.25681 of 2023

and

W.M.P.Nos.29368, 29370 and 25136 of 2023

Preeti Agarwal,
D/o R.Mahesh,
No.1/39M, Chakrapani Colony,
St.Thomas Mount,
Alandur, Chennai 600 016.

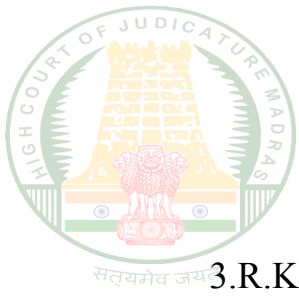
.. Petitioner

/versus/

1.The District Registrar,
Chennai North Joint-1,
Kuralagam Building, 1st Floor,
Parrys, Chennai 600 108.

2.M/s Annai Party Hall,
No.21, Muthumari Chetty Street,
Mnnady, Chennai 600 001.

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3.R.Karthick @ R.Jaikarthick,
S/o Radhakrishnan,
No.21/1, Bajanai Koil 1st street,
Vadapalani, Chennai 600 026.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the record pertaining to Marriage Registration Certificate in Marriage Sl.No.425 of 2018, dated 07.08.2018, on the file of the 2nd respondent and consequently, quash the same.

For Petitioner	:Mr.R.Singaravelan, Senior Counsel for Mr.V.L.Akshai Sajin Kumar
For Respondents	:Mr.R.Sasikumar, GA for R1 Mr. Ali Hassan Khan for R3 Not ready in notice for R2

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the Marriage Registration Certificate in Marriage Sl.No.425 of 2018, dated 07.08.2018, on file of the 2nd respondent, and quash the same.

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2. The petitioner claims that the 3rd respondent behaved in a friendly manner towards her. However, the petitioner was shocked to receive a legal notice on 08.07.2022 from the third respondent. The notice revealed that she was married to the third respondent on 06.08.2018 at Annai Party Hall, No.1, Muthumari Chetty Street, Mannady, Chennai-600 001, and that the marriage was subsequently registered before the first respondent on 07.08.2018, *referenced as* marriage Sl.No.425 of 2018. The petitioner was taken to the office of the first respondent under the pretense that a friend of the 3rd respondent had eloped with someone else, and she signed whatever documents were presented to her, believing she was merely acting as a witness. She never realized that her signature would be used to claim that a marriage took place between her and the third respondent. It was only later, upon learning of the third respondent's claim, that arrangements were made to file a petition before the jurisdictional Family Court in Chennai.



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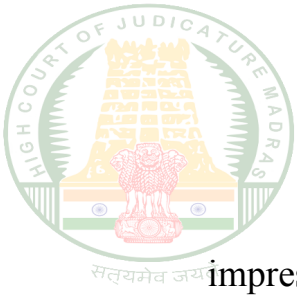
Accordingly, O.P.No.3360 of 2022 was filed before the Principal Family Judge, Chennai, for divorce by mutual consent, and proof affidavits were

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also submitted. When the matter was listed for final hearing on 27.01.2023, a demand for a large sum of Rs.20,00,000/- was made. The petitioner and her family were effectively held to ransom, with the threat that unless the amount was paid, he would not attend the hearing and resolve the issue. There are no marriage photographs or videographic evidence of the marriage. Under these circumstances, the Marriage Registration Certificate is being challenged before this Court.

3. The first respondent resisted the writ petition by filing a counter.

The Registering Authority submitted that the forms were filed and the photographs were affixed. The petitioner and the third respondent were present before the Registering Authority and also affixed their left thumb



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impressions. The witness also duly identified the persons who signed, and the due process of registration took place. Accordingly, a Marriage Certificate was issued.

4. The third respondent has filed a counter-affidavit stating that both the third respondent and the petitioner were in a relationship, and as a result, they got married on 06.08.2018, which was registered on 07.08.2018. According to the third respondent, the claims made in the affidavit are entirely false. Furthermore, the third respondent asserts that the matter concerning the validity of the marriage must be factually established before the jurisdictional Family Court, before which the petition in O.P.No.1541 of 2023, regarding the request for restitution of conjugal rights, is pending.

5. Mr. R. Singaravelan, learned Senior Counsel representing the

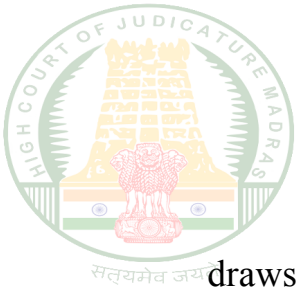


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petitioner, strongly relies on the Division Bench of this Court in S.
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Balakrishnan Pandiyan v. R. Ram Prasath reported in [2014-5-L.W 207]. He submits that this Court has already considered in detail about all types of registrations made under the Act. Registration certificates are being issued without performing the marriage. It has been specifically held in that case that unless the marriage ceremonies are properly performed, marriages conducted in the offices of Advocates are invalid, and no registration certificate can be granted in respect thereof.

6. It is his contention that in this incident, the registration certificate is liable to be quashed on two grounds. Firstly, Section 6 of the Tamil Nadu Registration of Marriages Act, 2009, mandates that the memorandum filed under Section 5 for the registration of the marriage shall be signed by the parties to the marriage, the priest and two witnesses. The learned counsel



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draws the Court's attention to the form of marriage in the memorandum filed

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in this case, noting that in Column 1-B, the name of the mother of the third respondent is mentioned as Rani. Additionally, the same name, Rani, is mentioned in the column for the priest's name. Therefore, the marriage should not have been registered by the Registrar. He would refer to the photograph provided regarding the address at No. 21, Muthumari Chetty Street, Mannady, Chennai 600 00. It shows only an Advocate's office and appears to be shop and office premises in an old building. There is no marriage hall at that address. Even in the original affidavit, it is stated that despite their best efforts, the family members could not locate a marriage hall. The Senior Counsel further argues that this Court has consistently criticised the registration of such marriages, and thus, the marriage should not have been registered in this instance. The writ petition liable to be allowed.

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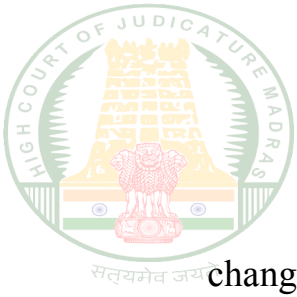
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7. The learned Government Advocate (Crl.Side) appearing on behalf

of the first respondent submits that, after due compliance with the procedure, the marriage has been registered. The Registrar cannot visit every location to ascertain whether there is a marriage hall and the registration is done according to the forms filed by the parties. It is contended that the petitioner also appeared, duly signed, and affixed their left thumb impression.

8. Per contra, *Mr. Ali Hassan Khan*, learned counsel appearing on behalf of the 3rd respondent, submits that the petitioner falsely contends that she was taken aback upon receiving the legal notice and that she went to the registrar's office merely as a witness. Her own proof-affidavit in the mutual consent petition suggests otherwise; the parties signed the petition under Section 13B of the Hindu Marriage Act, 1955, acknowledging that the marriage was performed in Annai Party Hall. When the third respondent

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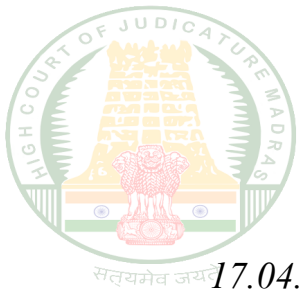
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changed his mindset and did not appear before the Court for mutual consent during the second hearing, it did not invalidate the marriage in any way. The party had existed in 2019, and the current situation cannot be taken into account. According to the learned counsel, the mere non-signing of the priest or the incorrect mention of the mother's name in respect to the priest's name will not invalidate the entire proceedings. Therefore, the writ petition is liable to be dismissed.

9. The learned counsel will rely on certain judgments in W.P.(MD)No.14650 of 2018, dated 25.03.2019, and W.P.No.9428 of 2023, dated 28.03.2023, to plead that an alternative remedy exists. The learned counsel will also rely on the judgment of the Hon'ble Supreme Court of India in *The Assistant Commissioner of State Tax and others v. M/s Commercial Steel Limited in Civil Appeal No.5121 of 2021*, dated

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10. I have considered the rival submissions from both sides and reviewed the materials of the case.

11. In this writ petition, this Court is concerned only with the registration of marriage under the Tamil Nadu Registration of Marriage Act, 2009.

12. Section 2(e) of the Tamil Nadu Registration of Marriages Act, 2009 is quoted below:

“2(e) “Priest” means any person who performs a marriage or any person present in the marriage referred to in Secion 7-A of the Hindu Marriage Act, 1955 (central Act XXV of 1955).”

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13. Section 3 of the Tamil Nadu Registration of Marriages Act, 2009

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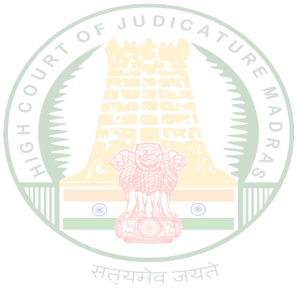
states the following and is extracted below:

“Section 3: Marriages to be compulsorily registered:- Every marriage performed on and from the date of commencement of this Act shall be registered under this Act notwithstanding the fact that the said marriage has been entered in the marriage registers governed by any other personal laws of the parties to the marriage or custom or usage or tradition.”

14. Section 6 of the Tamil Nadu Registration of Marriages Act, 2009

is extracted here:

“Section 6: Signature on memorandum and fees to be paid:- Every memorandum referred to in Section 5 shall be signed by the parties to the marriage and by the priest and two witnesses and shall be accompanied by such fee as may be prescribed.”



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15. Section 23 of the Tamil Nadu Registration of Marriages Act, 2009

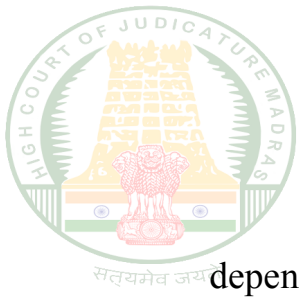
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is extracted hereunder:

“Section 23: Non-registration not to invalidate marriage: No marriage performed in this State to which this Act applies shall be deemed to be invalid solely by reason of the fact that it was not registered under this Act.”

16. The scope of the Act is no longer *res integra*, and has been decided by this Court in *B. Sahar Bau v. The Inspector General of Registration/The Registrar General of Marriage Registration and others* in *W.P. (MD) No. 7288 of 2015 dated 17.10.2022*. It has been categorically held that the exercise conducted under the Act is statutory. Section 23 of the Act states that no marriage performed in the State of Tamil Nadu, to which the Act applies, shall be deemed invalid solely because it was not registered under this Act. Consequently, the validity of the marriage is not solely

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dependent on the registration and this Court is only considering the propriety of issuing the registration certificate. Therefore, the argument on behalf of the petitioner that there is alternative remedy cannot be countenanced as this court is not entering into the disputed questions about the marriage being performed or not.

17. Further, regarding the validity of the marriage, paragraph 3 of the affidavit filed in support of the writ petition states the following:

“3. I respectfully submit that I was in receipt of a legal notice dated 08.07.2022 from the 3rd respondent herein. I further submit that the contents therein stated that I had got married to the 3rd respondent on 06.08.2018 at Annai Party Hall, No.21, Muthumari Chetty Street, Mannady, Chennai 600 001 and that our marriage was subsequently registered before the 1st respondent on 07.08.2018 vide marriage Sl.No.425 of 2018. The legal notice further called upon me to live together with the 3rd respondent in the matrimonial home within a week, failing

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which I was informed that appropriate proceedings for restitution of conjugal rights shall be initiated.”

18. However, in the original petition filed for mutual consent under Section 13(B) of the Hindu Marriage Act, 1955, paragraph 3 states as follows:

“The petitioners submit that the marriage between the petitioners 1 and 2 was solemnized according to the Hindu Rites and Customs at Annai Party Hall, No.21, Muthumari Chetty Street, Mannady, Chennai 600 00` on 06.08.2018 and subsequently, registered before the District Registrar North on 07.08.2018 in marriage Sl.No.425 of 2018. There was no marriage invitation and no photographs taken in the marriage.”

19. The petitioner had also filed a proof of affidavit in which it is stated as follows.

“PROOF AFFIDAVIT OF PREETI AGARWAL - 1st PETITIONER

I, Preeti Agarwal Daughter of R.Mahesh, Hindu, aged

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about 27 years, residing at No.1/39M, Chakrapani Colony, St.Thomas Chennai-600 016, do hereby solemnly affirm and sincerely state as follows:-

1. I am the first petitioner in the above F.C.O.P. and I am well acquainted with the facts of the case.

2. I submit that I and the 2nd petitioner herein are jointly filing the above FCOP before this Honble Court seeking for decree of divorce by dissolving marriage between the petitioners-1&2 herein solemnized at Annai Party Hall, No.21, Muthumari Chetty Street, Mannady, Chennai-600 001, on 06.08.2018 according to the Hindu rites and customs and subsequently registered before the District Registrar North on 07.08.2018 in Marriage SI. No. 425/2018 mutual consent.

3.I crave leave of this Honble Court to treat the above FCOP as part and parcel hereof.

4.I submit that the marriage between me and 2nd petitioner was solemnized according to the Hindu rites and customs at Annai Party Hall, No.21, Muthumari Chetty Street, Mannady, Chennai 600 001 on 06.08.2018 and subsequently Registered before the District Registrar North on 07.08.2018 in Marriage SI.No.425/2018. There was no marriage invitation and no photographs taken in the marriage.

5.I submit that after our marriage 1st and 2nd petitioner never lived as husband and wife and immediately separated on 07.08.2018. Out of our wedlock, no issues were born to us. The marriage between me and the 2nd petitioner was not consummated. In this regard, the 2nd petitioner issued a legal notice dated 08.07.2022 to me for that I replied suitably on 18.07.2022 to the 2nd petitioner. I and the 2nd petitioner have been unable to reconcile and finally I and the 2nd petitioner found extremely difficult to cope up with each other, whereby there mental tension always on both sides and I and the 2nd petitioner had lost all our peace in life. After taking to all considerable facts, I and the 2nd



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petitioner decided to file the present petition jointly for divorce on mutual consent on the following conditions:

A. I fully gave my consent for the dissolution of our marriage mutually as prayed for in the present petition.

B. I hereby agree to give up my claim in respect of maintenance in future also.

C. I hereby duly agree to lead my life separately without involving or interfering with the 2nd petitioner from the date of divorce and I have no objection for his remarriage.

D.I hereby declare that there are no mutual claims against the 1st petitioner regarding maintenance, moveable and immovable in past, present and future.

E. I hereby assure that there is no fraud, force undue influence or collusion between me and 2nd petitioner and there is no delay in filing the petition. My consent is not obtained by the 1st petitioner by fraud or undue influence.

F. I hereby declare that I and 1st petitioner do not jointly own or possess any property moveable or immoveable and that I do not possess any property of the 2nd Petitioner.

G.I hereby assure that there is no fraud, force undue influence or collusion between them and there is no delay in filing the petition. My consent has not been obtained by fraud or undue influence.

H.I further assure that I have not received any articles, so there is no question arise with regard to the exchange of articles between me and the 2nd petitioner, I have no further claim as against the 2nd petitioner.

I.I assure that there is no collusion between me and the 2nd petitioner in filing this Petition and further assure that no other similar petition is filed or pending before this Hon'ble Court or any other Courts for this Subject matter against the 2nd petitioner.

6. I state that in the above said circumstances, it is



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therefore desirable and necessary that the marriage should be dissolved on mutual in trust of myself and 2nd Petitioner.

7. It is submitted that in the above O.P, I have filed the following four relevant Documents for the purpose of proving the averments contained in the F.C.O.P and the said Documents may be marked as Exhibits P1 to P5 on my side in this case which are detailed hereunder.

<i>Sl. No.</i>	<i>Date</i>	<i>Description of documents</i>	<i>Exhibits</i>
1	07.08.2018	Marriage Registration Certificate	P1
2	08.07.2022	Legal notice issued by the 2nd petitioner through his advocate to the 1st petitioner	P2
3	18.07.2022	Reply notice issued by the 1st petitioner through her Advocate to the 2nd petitioner's Advoate	P3
4	-	Aadhaar Card of the 1st petitioner	P4
5	-	Aadhaar Card of the 2nd petitioner	P5

8. It is therefore respectfully prayed that this Hon'ble Court may be pleased to (i)Pass a decree of divorce by dissolving the marriage between the petitioners 1 and 2 herein solemnized at Annai Party Hall, No.21, Muthumari



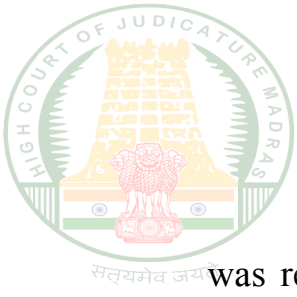
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Chetty Street, Mannady, Chennai 600 001 on 06.08.2018 according to the Hindu rites and customs and subsequently registered before the District Registrar North on 07.08.2018 in Marriage Sl.No.425/2018 on mutual consent and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case thus render justice.”

20. Thus, in light of the contradictory positions taken by the petitioner herself and the facts disputed by the third respondent, this Court cannot consider the issue under Article 226. The only question to be decided is whether the registration certificate is in accordance with the law. Two grounds are raised in this regard. The learned counsel also submits that there is no party hall named *Annai Party Hall*. In this context, the stance taken in the affidavit supporting the writ petition is not categorical. Firstly, it is mentioned that a fake certificate was obtained from *Annai Party Hall*. Secondly, it is stated that the relatives could not ascertain the existence of *Annai Party Hall*. Even the notice sought to be served in the writ petition



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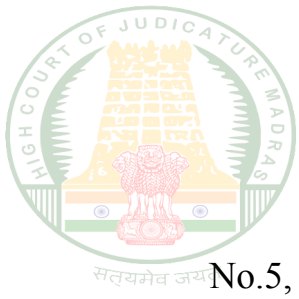
was returned with an endorsement stating that there is no such party hall.

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The Learned Senior Counsel submits that the second respondent was added solely to prove its non-existence. However, since there is currently no such party hall, the court proceeded to further hear the writ petition. Since the third respondent disputes this fact and claims that the party hall existed at the relevant time, this Court cannot decide the factual issue in the writ petition, especially with the Original Petition pending between the parties before the Jurisdictional Family Court.

21. The second argument relating to the validity of the marriage certificate on the ground that there is no sign of the priest. The forms filed by the parties for registration is not disputed. In column 1B, concerning the details of the parents, it is mentioned as ' *Rani resides at number 21/A, Bajanai Koil 7th Street, Vadapalani, Chennai 600026*'. Again in column

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No.5, regarding the name and address of the priest who solemnized the
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marriage or was present at the marriage, it is mentioned as '*R.Rani, No.21/A, Bajanai Koil, 7th Street, Vadapalani, Chennai 600026*'. Notably, only the mother's name is recorded in that column as well. The third respondent does not claim that the marriage is a '*Suyamariyathai Marriage*', nor is it his specific assertion that his mother is the priest.

22. Section 6 of the Act requires the priest to sign the memorandum.

The registration and issuance of the registration certificate thus is without application of mind. Rule 4 of the Tamil Nadu Registration of Marriages Rules, 2009, requires the registration authority to verify these aspects. The registration authority need not conduct any roving inquiry, nor is he expected to conduct a spot inspection; instead, the only expectation is that the registration authority verify the forms filed before him and decide

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accordingly. Thus, on the limited ground, the petitioner is entitled to
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succeed, while this Court is not pronouncing upon the marriage as such.

23. In view of this, this Writ Petition is ordered on the following terms.

(i) The impugned marriage certificate No. 425 of 2018, dated 07.08.2018, is hereby quashed.

(ii) Consequently, connected Miscellaneous Petitions are closed.

No costs.

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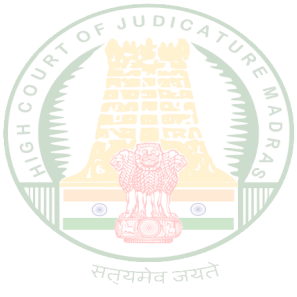
Neutral citation:yes

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To:

The District Registrar, Chennai North Joint-1,
Kuralagam Building, 1st Floor, Parrys, Chennai 600 108.

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D.BHARATHA CHAKRAVARTHY, J.

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