



W.P(MD)No.15032 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 31.07.2025

PRONOUNCED ON :20.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.15032 of 2025

and

W.M.P.(MD)No.11272 of 2025

B.Backiyalakshmi

... Petitioner

Vs.

1.The District Registrar,
Dindigul,
Dindigul District.

2.The Sub Registrar,
Joint - I Sub-Registrar Office,
Dindigul District.

3.S.Krishnamoorthy

4.The Inspector of Police,
Woraiyur Police Station,
Trichy District.

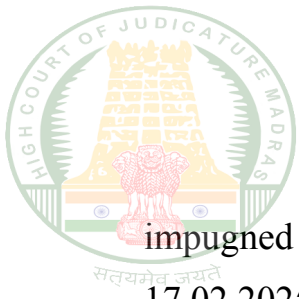
5.Priya Dharshini

...Respondents

(R4 is suo motu impleaded vide Court order,
dated 04.06.2025 in WP(MD)No.15032 of 2025)

(R5 is suo motu impleaded vide Court order,
dated 16.07.2025 in WP(MD)No.15032 of 2025)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorari, to call for the records pertaining to the



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impugned marriage registration No. HINDU/DINDIGUL JOINT - I/68/2025 dated 17.02.2025 issued by the 2nd respondent as to quash the same as illegal on the grounds of fraud, coercion, misrepresentation, and forgery Hindu Marriage Act, 1955 or Special Marriage Act, 1954, based on the petitioner's representation dated on 25.04.2025 within time stipulated by this Court.

For Petitioner	: Mr.Naveen Kumar Murthi for K.Shanmuga Sundaram
For R1 and R2	: Mr.D.Sasi Kumar Additional Government Pleader
For R3	: Mr.H.Jahir Hussain
For R4	: Mr.M.Aasha Government Advocate (Criminal Side)
For R5	: Mr.G.PrabuRajadurai *****

ORDER

The present writ petition has been filed for the issuance of a Writ of Certiorari, to quash the impugned marriage Registration No. HINDU/DINDIGUL JOINT - I/68/2025 dated 17.02.2025 issued by the 2nd respondent.

2.1 The brief facts as stated in the petitioner affidavit are that the 3rd respondent was employed as a driver in petitioner household for a considerable period and has gained access and proximity to the family by virtue of his employment. Taking undue advantage of the trust reposed in him by the family, he gradually began to manipulate the petitioner emotionally and psychologically.



Further planned and executed a strategy to exploit petitioner's vulnerability and innocence, brainwashed the petitioner, misrepresented facts, isolated the petitioner from petitioner's family and attempted to influence petitioner's decisions and emotions. The petitioner was emotionally manipulated into believing that he had good intentions, which petitioner later discovered were entirely false and self-serving. Without the knowledge and consent of petitioner's family, the 3rd respondent orchestrated a fraudulent marriage registration. The 3rd respondent took the petitioner to the Sub-Registrar's Office under false pretenses and under pressure and emotional blackmail, the petitioner was made to sign documents. The petitioner did not fully understand or willingly agree to. No legitimate ceremony or lawful marriage took place. The registration was merely a paper transaction based on deceit and coercion. At the time of registration, the 3rd respondent submitted forged and fabricated documents in petitioner name as well as petitioner's parent's documents.

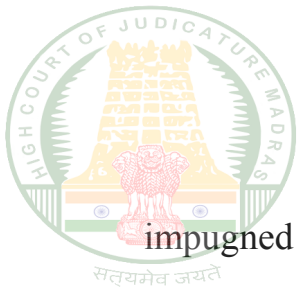
2.2 After the registration, the 3rd respondent began to interfere in petitioner's personal and financial affairs, attempting to assert illegal control over petitioner's property, valuables and other assets and attempted to threaten and intimidate the petitioner to sever ties with petitioner's family and surrender control over petitioner's inheritance and wealth. The 3rd respondent's actions and behavior



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clearly revealed that the sole motive behind this fraudulent marriage registration was to gain access to petitioner's family's wealth, property and financial assets.

The 3rd respondent, being an employee of the petitioner household, abused his position of trust, exploited petitioner mental vulnerability, and orchestrated this entire episode with calculated precision. That apart the 3rd respondent was already married and by suppressing the said fact had unlawfully staged a registration of marriage with the petitioner. That apart, the 3rd respondent had stolen the original documents viz., 10th, 11th, 12th mark sheets, certificates, UG Degree Certificate (graduation), Aadhar card, Voter Id, Pan Card, Awards Certificates, Provisional Certificate, ID Card of Holy Cross and St. Joseph College, Transfer Certificate of 10th and 12th from petitioner's home, for which the petitioner had preferred complaint before the concern forum. Upon realizing the fraud, the petitioner distanced herself from the respondent and the respondent had filed Habeas Corpus Petition in H.C.P.(MD) 431/2025 and the petitioner have entered appearance through her parents and stated that the alleged marriage is false one and the registration is done by submitting fabricated documents of the petitioner, false affidavits and documents and the petitioner did not give consent to the marriage. Hence the marriage is contra to the Registration of Marriage Rules was registered before the 2nd respondent and none of the procedures enumerated for legal registration of marriage was followed by the 2nd respondent and thus the



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impugned Marriage registration is liable to be quashed. Hence, the petitioner has filed the present writ petition.

3. In spite of notice issued to the 3rd respondent vide order dated 04.06.2025, failed to appear before this Court, hence this Court vide order dated 25.06.2025 had suo moto impleaded the Inspector of Police as 4th respondent and directed to produce the 3rd respondent. Thereafter the 3rd respondent had appeared through his Counsel, but had not filed any counter. However, the Learned Counsel appearing for the 3rd respondent submitted that the marriage took place with the consent of the petitioner before the “Sadhi Marupu Thirumana Maiyam, Dindigul”. Again this Court suo moto impleaded one M.Priya Dharshini, Treasurer, of the said Maiyam, who appeared through Counsel before this Court. After hearing the submissions of all the parties, this Court has given its anxious consideration.

4. The Learned Counsel appearing for the petitioner submitted that if the marriage was conducted as per Hindu rituals like Saptapadi etc. then the said marriage would come under the purview of section 7 of the Hindu Marriage Act. Since the marriage has been registered under section 7A of the Hindu Marriage Act, then the ingredients under section 7A ought to be complied with. The 1st



respondent ought to have ascertained whether the section 7A has been followed and complied with, but the document is a printed format wherein the 1st respondent had monotonously registered the same. In order to consider the plea, it is necessary to read the provision which is extracted hereunder:

"7A. Special provision regarding suyamariyathai and seerthiruththa marriages. - (1) This section shall apply to any marriage between any two Hindus, whether called suyamariyathai marriage or seerthiruththa marriage or by any other name, solemnized in the presence of relatives, friends or other persons -

(a)by each party to the marriage declaring in any language understood by the parties that each takes the other to be his wife or, as the case may be, her husband; or

(b)by each party to the marriage garlanding the other or putting a ring upon any finger of the other; or

(c)by the tying of the thali.

(2) (a). Notwithstanding anything contained in section 7, but subject to the other provisions of this Act, all marriages to which this section applies solemnized after the commencement of the Hindu Marriage [Tamil Nadu] [Substituted for the expression 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Amendment) Act, 1967, shall be good and valid in law.

(b) Notwithstanding anything contained in section 7 or in any text, rule or interpretation of Hindu law or any custom or usage as part of that law in



force immediately before the commencement of the Hindu Marriage ([Tamil Nadu] [Substituted for the expression 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.]Amendment) Act, 1967, or in any other law in force immediately before such commencement or in any judgment, decree or order of any Court, but subject to sub-section (3), all marriages to which this section applies solemnized at any time before such commencement shall be deemed to have been, with effect on and from the date of the solemnization of each such marriage, respectively, good and valid in law.

(3)Nothing contained in this section shall be deemed to-

(a)render valid any marriage referred to in clause (b) of sub-section (2), if before the commencement of the Hindu Marriage l[Tamil Nadu] Amendment) Act, 1967,-

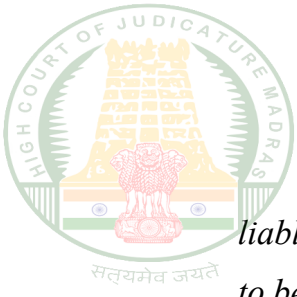
(i)such marriage has been dissolved under any custom or law; or

(ii)the women who was a party to such marriage has, whether during or after the life of the other party thereto, lawfully married another; or

(b)render invalid a marriage between any two Hindus solemnized at any time before such commencement, if such marriage was valid at that time; or

(c)render valid a marriage between any two Hindus solemnized at any time before such commencement, if such marriage was invalid at that time on any ground other than that it was not solemnized in accordance with the customary rites and ceremonies of either party thereto:

Provided that nothing contained in this sub-section shall render any person



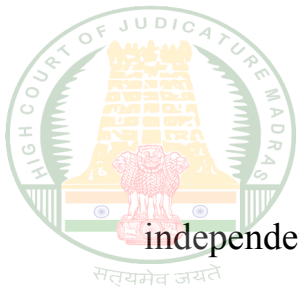
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liable to any punishment whatsoever by reason of anything done or omitted to be done by him before such commencement.

(4)Any child of the parties to a marriage referred to in clause (b) of sub-section (2) born of such marriage shall be deemed to be their legitimate child:

Provided that in a case falling under sub-clause (i) or sub-clause (ii) of clause (a) of sub-section (3), such child was begotten before the date of the dissolution of the marriage or, as the case may be, before the date of the second of the marriages referred to in the said sub-clause (ii)."

The provision states that the marriage ought to have taken place prior to registration of the marriage. Then it becomes incumbent on the part of the registering officer to ascertain the factum of conduct the marriage. On perusing the registration certificate, it is seen that the registering officer had relied on the certificate issued by the said M.Priya Dharshini, Treasurer of Sadhi Marupu Thirumana Maiyam, Dindigul. Further had relied on the affidavit filed by the petitioner and 3rd respondent wherein it is stated that the marriage happened as per Suyamariyathai marriage. By taking both the certificate and the affidavit has registered the marriage. But has not independently ascertained whether the petitioner and 3rd respondent has conducted the marriage as per section 7A. There is no iota of evidence to come to the conclusion that the registering officer has



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independently ascertain the factum of section 7A marriage was conducted by the petitioner and the 3rd respondent.

5. The above observation is more crucial since the petitioner alleges in her affidavit that the 3rd respondent is already married. The said allegation has not been denied by the 3rd respondent. Infact the 3rd respondent has not filed any counter at all. But in the registration certificate it is stated that the 3rd respondent is not married / bachelor. This would clearly prove that the 1st respondent / registering authority has registered monotonously without ascertaining the fact of earlier marriage of the 3rd respondent. If there is a marriage and the same is subsisting, then the present marriage would become invalid. The above observations would prove that the marriage was not conducted as per section 7A and therefore the same ought to be set aside.

6. Further the provision states the marriage may be conducted “in the presence of relatives, friends or other persons”. In the certificate issued by the said Maiyam it is stated that marriage was conducted in the presence of friends and elders. But has not specifically stated who are the persons present. Further it is seen three persons have attested as witness. It is not clear whether the said three persons are witness from the side of the petitioner. This aspect of witness and in



the presence of relatives, friends become vital since the petitioner ascertains that she is being emotionally manipulated. Further the petitioner had stated that no legitimate ceremony took place, which sounds as if the petitioner was expecting some ceremony as stated in section 7. Interestingly the petitioner further stated that the 3rd respondent was employed as driver in her family who had taken advantage and manipulated the petitioner emotionally and also exploited. The relevant portion of the affidavit is extracted hereunder:

*“The 3rd respondent was employed as a driver in petitioner household for a considerable period and has gained access and proximity to the family by virtue of his employment. Taking undue advantage of the trust reposed in him by the family, he gradually began to manipulate the petitioner emotionally and psychologically. Further planned and executed a strategy to exploit petitioner's vulnerability and innocence, brainwashed the petitioner, misrepresented facts, isolated the petitioner from petitioner's family and attempted to influence petitioner's decisions and emotions. The petitioner was emotionally manipulated into believing that he had good intentions, which petitioner later discovered were entirely false and self-serving. **Without the knowledge and consent of petitioner's family**, the 3rd respondent orchestrated a fraudulent marriage registration. The 3rd respondent took the petitioner to the Sub-Registrar's Office under false pretenses and under pressure and emotional blackmail, the petitioner was made to sign documents. The petitioner did not fully understand or willingly agree to. No legitimate ceremony or lawful marriage took place. The registration was merely a paper transaction based on deceit and coercion. At the time of registration, the 3rd respondent submitted forged*



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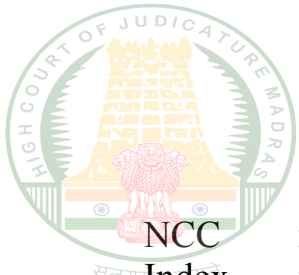
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7. When the 3rd respondent has not filed any counter, then the aforesaid averments ought to be taken seriously. When none of the relative or friend of the petitioner was available, there is possibility the petitioner was manipulated. In fact, this Court had interaction with the petitioner in the Court, where the petitioner had stated she was emotionally manipulated and she could not believe how it all happened.

8. Hence this Court is of the considered opinion that the marriage had not happened with the full consent of the petitioner. Even though the petitioner's age is 23, the mental age of the petitioner still may be in adolescent age, that is why the alleged marriage had not lasted even for three months. Further considering the age of the petitioner and the 3rd respondent this Court is inclined to set aside the registration and accordingly set aside.

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

20.08.2025



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NCC : Yes / No

Index : Yes / No

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Dindigul,
Dindigul District.
- 2.The Sub Registrar
Joint - I Sub-Registrar Office,
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- 3.The Inspector of Police,
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S.SRIMATHY, J.

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**ORDER MADE IN
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DATED : 20.08.2025