



2025:KER:40760

WP(C) NO. 4751 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 10TH DAY OF JUNE 2025 / 20TH JYAISHTA, 1947

WP(C) NO. 4751 OF 2025

PETITIONERS:

- 1 HUSSAIN,
AGED 39 YEARS
S/O. SAIDALAVI, THAIKKANDI HOUSE, PATTARKADAVU P.O,
MALAPPURAM DISTRICT, PIN - 676519
- 2 DHANYA.K.K,
AGED 32 YEARS
D/O. DHAMODARAN, SREENIVAS COLONY,
KAKKENGAD.P.O, KANNUR DISTRICT, PIN - 670673

BY ADVS.
SRI.CIBI THOMAS
SMT.SWARNA THOMAS
SMT.ANUSREE K.

RESPONDENTS:

- 1 STATE OF KERALA,
REP. BY ITS SECRETARY, DEPARTMENT OF LOCAL SELF
GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN -
695001
- 2 THE CHIEF REGISTRAR GENERAL OF MARRIAGES (COMMON),
(DIRECTOR OF PANCHAYATHS), PUBLIC OFFICE BUILDING,
MUSEUM JUNCTION, PMG JUNCTION, THIRUVANANTHAPURAM,
PIN - 695033
- 3 THE REGISTRAR GENERAL OF MARRIAGES (COMMON),
(DEPUTY DIRECTOR OF PANCHAYATH,
KANNUR), THAVAKKARA, KANNUR DISTRICT, PIN - 670002



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4 THE LOCAL REGISTRAR OF MARRIAGES (COMMON),
(THE SECRETARY AND REGISTRAR OF BIRTHS AND
DEATHS), MUZHAKUNNU GRAMA
PANCHAYATH, KAKKENGAD.P.O, KANNUR DISTRICT, PIN -
670673

BY ADV SRI.R.SURENDRAN

OTHER PRESENT:

SR.GP.SMT.VIDYA KURIAKOSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10.06.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**“C.R”****JUDGMENT****(Dated this the 10th day of June, 2025)**

The petitioners lived together for a brief period in November 2014. In order to avoid legal repercussions and social issues, they got their marriage registered under Kerala Registration of Marriages (Common) Rules, 2008 ('Rules', for brevity) as per Ext.P1 certificate of marriage. Shortly thereafter, their relationship ran into rough weather, and they have been living separately for the last 10 years. The 1st petitioner is a Muslim, and the 2nd petitioner is a Hindu. As their marriage was not solemnised under the Special Marriage Act, 1954, there is no valid marriage. Yet, as their marriage is improperly registered, it gives a false impression that they are legally married. Accordingly, the petitioners submitted a joint application before the 4th respondent to cancel the certificate. But, by Ext.P3 communication, the 4th



respondent rejected the application, stating that there is no provision to cancel the certificate. Rule 13 of the Rules empowers the 4th respondent to cancel the certificate. It is without considering the above rule that the impugned order has been passed. Ext.P3 communication is unjustifiable.

3.The 3rd respondent has filed a statement asserting that the marriage was registered as per the Rules. The 4th respondent registered the marriage based on Annexure R3 (a) memorandum, Annexure R3 (c) declaration issued by a member of the Local Self Government Institution ('LSGI', in short) and the supporting documents affirming that the petitioners' marriage was solemnised on 19.10.2014 at the residence of the 2nd petitioner. The statements of the petitioners and their witnesses corroborated the documents. The petitioners have not produced any record to prove that their marriage was improperly or fraudulently registered, which is mandatory to cancel the certificate under Rule



13. There is no illegality in Ext.P3 communication.

4.Heard, Sri. Cibi Thomas, the learned Counsel for the petitioners, Smt. Vidya Kuriakose, the learned Government Pleader and Sri. R. Surendran, the learned Standing Counsel for the 4th respondent.

5. There is no dispute that the petitioners had jointly submitted Ann.R3 (a) memorandum affirming that their marriage was solemnised on 19.10.2014 at the 2nd petitioner's residence. The member of an LSGI also issued Ann.R.3(c) certifying to have witnessed the solemnisation of the petitioners' marriage. On the date of registration of the marriage, the petitioners and their witnesses testified that the marriage was solemnised on 19.10.2014. It was on the strength of the above documents and testimonies that the 4th respondent registered the marriage and issued Ext.P1 certificate.

6. The petitioners now contend that, since they belong to different religions and have not solemnised their



marriage under the Special Marriage Act, 1954, their marriage is invalid. Hence, the certificate may be cancelled under Rule 13 of the Rules.

7. In the above context, it is necessary to refer to Rule 13 of Kerala Registration of Marriages (Common) Rules, 2008, which reads as follows:

“13. Correction and cancellation of entries.—(1) If the Local Registrar is satisfied either suo motu or on application by the parties, that any entry in the Register of Marriages (Common) is erroneous in form or substance or has been fraudulently or improperly made, he shall subject to conditions in sub-rule (2), make suitable corrections including cancellation of registration, noting the evidence for such corrections in the margin of the Register of Marriages (Common), without any alteration of the original entry and shall sign the marginal entry with the date of correction or cancellation and shall forward the particulars of the corrections to the Registrar General concerned.

(2) All corrections in material particulars like name, age, date etc., and cancellation shall be done only with the sanction of the Registrar General concerned: Provided that no such correction or cancellation shall be made without affording a reasonable opportunity of being heard to the parties concerned.

(3) On getting sanction under sub-rule (2), the Local Registrar shall effect the correction or cancellation, as the case may be, in the Register of Marriages (Common).

(4) An amount of rupees one hundred shall be charged as fee for making corrections in the Register of Marriages (Common) other than clerical mistakes.

(5) In every case in which an entry is corrected or cancelled under this Rule, intimation thereof shall be sent to the parties to the marriage and the Local Registrar shall make a report giving necessary details to the Registrar General concerned.”

8. A reading of the above Rule indicates that the Registrar is empowered to cancel an entry in the Register, if the entry is erroneous in form or substance or has been fraudulently or improperly entered.



9. The enquiry envisaged under Rule 11 is summary in nature. The Registrar is not empowered to conduct a comprehensive enquiry regarding the validity of the marriage or the competence of the parties to get married at the time of considering the memorandum. If the Registrar is objectively satisfied that the marriage has been solemnised, he is empowered to register the marriage.

10. In **Pranav A.M. & another v. Secretary, Engandiyur Grama Panchayat, Thrissur and another** (2018 (3) KHC 128), this Court has held that the Registrar is only to be prima facie satisfied that the marriage was solemnised as per the personal law of the parties. He is bound to register the marriage upon a declaration made by the parties, without entering into the legality of the marriage.

11. In the present case, the petitioners, on their own free will and volition, had submitted a memorandum and a supporting letter from a member of the LSGI, affirming



that their marriage was solemnised on 19.10.2014, and wanting to get their marriage registered.

12. In the enquiry conducted by the 4th respondent, the petitioners and their witnesses unequivocally deposed that the marriage was solemnised as per customary rites at the 2nd petitioner's residence.

13. It was on accepting the documentary proof and the oral testimonies of the petitioners and their witnesses that the 4th respondent registered the marriage. Having produced documents to the above effect and voluntarily testifying that the marriage was solemnised, the petitioners are estopped from reprobating that there is no valid marriage. The Registrar does not have the jurisdiction to adjudicate the above disputed question of fact under Rule 13.

14. The questions regarding the validity of the marriage and the marital status of the parties are to be decided by a competent civil court.

15. After carefully considering the facts and



circumstances of the case, I do not find any arbitrariness or illegality in the impugned order. The writ petition is devoid of any merit and is liable to be dismissed. Nevertheless, it is clarified that this judgment shall not prejudice the right of the petitioners to approach a court of competent jurisdiction for a declaration regarding their marital status.

With the above observation, the writ petition is dismissed.

**SD/-
C.S. DIAS,
JUDGE**

SRJ



APPENDIX OF WP(C) 4751/2025

PETITIONER EXHIBITS

- Exhibit P1. TRUE COPY OF THE CERTIFICATE OF MARRIAGE DATED 11.11.2014 EVIDENCING THE REGISTRATION OF MARRIAGE BETWEEN THE PETITIONERS
- Exhibit P2. TRUE COPY OF THE APPLICATION DATED 16.12.2024 SUBMITTED BY THE PETITIONERS BEFORE THE 4TH RESPONDENT
- Exhibit P3. TRUE COPY OF THE COMMUNICATION DATED 06.01.2025 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONERS
- Exhibit P4. TRUE COPY OF THE JUDGMENT IN JITHIN VARGHESE PRAKASH VS. REGISTRAR OF MARRIAGE

RESPONDENT ANNEXURES

- ANNEXURE R3(A) A TRUE COPY OF THE MEMORANDUM DATED 19.10.2014
- ANNEXURE R3(B) A TRUE COPY OF THE CERTIFICATE OF MARRIAGE DATED 03.03.2025
- ANNEXURE R3(C) A TRUE COPY OF FORM-II FROM WARD MEMBER DATED 24.10.2014