

**THE HIGH COURT OF SIKKIM: GANGTOK**  
(Civil Extra-Ordinary Jurisdiction)

SINGLE BENCH: THE HON'BLE MR. JUSTICE A. MUHAMED MUSTAQUE,  
CHIEF JUSTICE

**WP(C) No.3 of 2024**

- Shri Yograj Chettri,**  
Aged about 35 years,  
S/o Shri Bhoj Raj Chettri,  
R/o Tadong, Daragaon, East Sikkim,  
P.O. Daragaon & P.S. Sadar, Gangtok  
East Sikkim-737102.
- Smt. Barsha Chettri,**  
Aged about 33 years,  
W/o Shri Yograj Chettri,  
R/o Arithang,  
P.O. & P.S. Gangtok  
Pin Code : 737101.

... Petitioners

*versus*

- State of Sikkim,**  
Represented by and through Chief Secretary,  
Government of Sikkim,  
Tashiling, Gangtok. East Sikkim-737101.
- The Appellate Authority through  
the Secretary Land Revenue,  
and Disaster Management Department,**  
Government of Sikkim,  
Tashiling, Gangtok, East Sikkim-737101.
- The Additional District Magistrate HQ, East District,**  
District Collectorate East,  
Government of Sikkim, Gangtok,  
East Sikkim-737101.
- The District Collector, East District,**  
District Collectorate East,  
Government of Sikkim-737101.

5. **Smt. Buddha Maya Tamang,**  
W/o Shri Yograj Chettri,  
R/o Dara Gaon, Tadong,  
P.O. Daragaon & P.S. Gangtok, East Sikkim-737102

... Respondents

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**Appearance:**

Mr. Gulshan Lama, Advocate (Legal Aid Counsel) for the Petitioners.  
Mr. S.K. Chettri, Government Advocate for Respondent No.1 to 4.  
Ms. Gita Bista, and Ms. Pratikcha Gurung, Advocates for Respondent No.5.

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Judgment Reserved on :  
Judgment Pronounced on : 30.06.2026  
Judgment uploaded on : 01.07.2026  
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**J U D G M E N T (ORAL)**

**(A. Muhamed Mustaque, C.J.)**

The Petitioners claim that they are husband and wife. On the basis of an affidavit and other relevant documents filed by the Petitioners before the Learned Additional District Magistrate, Gangtok, the Certificate of Identification (COI) was issued to Petitioner No. 2 on the basis of her being the wife of Petitioner No. 1.

[2] The said certificate issued to Petitioner No. 2 was later cancelled at the instance of Respondent No. 5, who claimed that she is the legally wedded wife of Petitioner No. 1. The reasons are elaborately stated in the impugned orders. The Learned Additional District Magistrate came to the conclusion that Petitioner No. 2 obtained the COI by impersonating Petitioner No. 1 to be her legal husband.

[3] Against the cancellation order, an appeal was filed before the Appellate Authority, Land Revenue and Disaster Management

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Department. The Appellate Authority endorsed the view of the Learned Additional District Magistrate in cancelling the COI.

[4] The first question that falls for consideration is the scope of inquiry under Article 226 of the Constitution of India in the exercise of this Court's power of judicial review. The controversy has now entered the realm of determining the legality of the marriage, an issue that directly concerns the legal status of the parties. Such a determination can be made only by a competent Civil Court.

[5] The inquiry undertaken by the administrative authority is of a limited and objective nature, confined solely to examining the circumstances relating to the issuance of the Certificate of Identification (COI) for the purpose of deciding whether it warrants cancellation. It cannot assume the character of adjudication upon the validity of the marriage or the legal status of the parties. In the exercise of its quasi-judicial functions, the administrative authority is required to confine its inquiry to the object and purpose of the regulatory framework under which it acts, with a view to securing the administrative objectives sought to be achieved by the statute or the applicable rules. Such an inquiry is necessarily limited in scope and is not intended to adjudicate genuinely disputed questions of fact relating to the personal or legal status of the parties.

[6] The questions concerning the validity of a marriage or the marital status of the disputants fall exclusively within the domain of the competent Civil Court or Family Court, whose determination alone can conclusively declare the legal status of the parties. Consequently, any finding recorded by the administrative authority is confined to the

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regulatory purpose for which the inquiry is undertaken and cannot operate as a binding adjudication on the personal status of the parties.

[7] This Court, on a careful examination of the records, finds no error whatsoever in the decision of the learned Additional District Magistrate cancelling the Certificate of Identification (COI). The order is based upon the facts and circumstances brought on record, and no infirmity warranting interference in the exercise of judicial review is made out. At the same time, this Court clarifies that the facts and circumstances relied upon in the administrative proceedings may also form the subject matter of adjudication before the competent Civil Court or the Family Court, as the case may be, in proceedings instituted by the Petitioner seeking an appropriate declaration regarding the validity of the marriage and the consequent legal status of the parties. Any declaration so granted by the competent Court shall prevail and shall govern the rights and obligations of the parties. Accordingly, the order passed by the administrative authority shall remain subject to any declaratory decree or other appropriate relief that may hereafter be granted by the competent Civil Court or Family Court concerning the validity of the marriage or the legal status of the parties.

[8] The Court need not exercise its power of judicial review as an Appellate Court to interfere with the finding of facts, unless the case falls within the parameters warranting the exercise of judicial review.

[9] If the Petitioners are advised that they are free to approach the Civil Court, subject to the law of limitation applicable to such declaratory relief.

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Any orders passed herein shall be subject to such relief as may be obtained before the Family Court or as the case may be, the competent Civil Court.

[10] With the liberty reserved as above, **Writ Petition No. 03 of 2024** stands disposed of without any interference with the impugned orders.

**Chief Justice**

Approved for Reporting : Yes/~~No~~  
avi/arc