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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CWP-17947-2022.

Decided on: August 17, 2022.

Buta Singh Brar and another

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

**PRESENT Mr. Jaspreet Singh Brar, Advocate,
for the petitioners.**

Ms. Sunint Kaur, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of mandamus directing respondent No.3 to decide the representation (Annexure P-6) submitted by the petitioners to the Registrar of Marriages under the Punjab Compulsory Registration of Marriages Act, 2012 as despite the submission of the requisite application along with all necessary documents, the same are not being accepted by the State - respondents and the authority insisted upon appearance of parents of petitioner No.2.

Learned counsel appearing on behalf of the petitioners

contends that the petitioners are major and had been in relationship with each other. They are not within the prohibited degrees or sapinda relationship. However, the family of petitioner No.2 was not agreeable to the relationship amongst the petitioners. Consequently, the petitioners entered into a matrimonial alliance by performing marriage as per Sikh rites and rituals at Gurudwara Guru Nanak Niwas Sahib, Village Karor Kalan, Tehsil Kharar, District S.A.S. Nagar, Mohali. A criminal writ petition bearing number CWP-11475-2021 was filed before this Court on account of threat to their life and liberty by the parents of petitioner No.2. The aforesaid writ petition was disposed of vide order dated 09.12.2021 directing the police officials to take appropriate steps after looking at the threat perception of the petitioners. He further contends that the petitioners approached the office of respondent No.3 for registration of marriage under the Punjab Compulsory Registration of Marriages Act, 2012, however, the aforesaid application submitted by the petitioners was not accepted by respondent No.3 by citing a reason that parents of petitioner No.2 are not accompanying the petitioners. It is contended that the provisions of the Punjab Compulsory Registration of Marriages Act, 2012 and Rules of 2013 framed thereunder, do not mandate presence of parents of bride or bridegroom as a pre-requisite for the registration of marriage. He contends that ignoring the statutory mandate, the procedure adopted by respondent No.3 who is the Registrar of Marriages has no foundation in the statutory framework. He contends that a representation (Annexure P-6) in this regard has already been processed to the Registrar of Marriages-cum-Tehsildar, Faridkot, on 04.05.2022, followed by a representation to the Deputy

Commissioner, Faridkot (Annexure P-7). He contends that the petitioners shall be satisfied in case respondent No.3, is directed to consider the representation dated 04.05.2022 (Annexure P-6) and pass a reasoned order thereupon in accordance with law and in a time bound manner.

Notice of motion.

On the asking of the Court, Ms. Sunint Kaur, Asstt. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondents and she has no objection to the prayer of the petitioners.

Accordingly, with the consent of the parties, the present petition is disposed of with a direction to respondent No.3, Registrar of Marriages-cum-Tehsildar, Faridkot, to look into the representation dated 04.05.2022 (Annexure P-6) submitted by the petitioners in the light of the statutory provisions contained in the Punjab Compulsory Registration of Marriages Act, 2012 and the rules of 2013 framed thereunder and to pass a reasoned speaking order thereupon, within a period of three months from the date of receipt of certified copy of this order.

August 17, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No