

Ct. 05
Item No.07
10.02.2023
(Suvendu)

WPA 1358 of 2023

Rupa Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Timir Baran Saha
.....for the petitioner

Mr. Raja Saha
Mr. S.P.Lahiri
.....for the State

The affidavit of service is taken on record.

The petitioner claims to have solemnized her marriage with a citizen of Switzerland on 10th March, 2022. The petitioner, however, could not travel to Switzerland for want of the required travel documents including Visa. The petitioner also could not furnish the documents which were required for obtaining the Visa.

According to learned counsel appearing for the State, the petitioner is bound by the requirements of Apostille under the Hague Convention, 1961 and further that the procedure could not be completed since the petitioner was unable to furnish the requisite documents at the time of obtaining the Certificate of Marriage.

The documents before the Court include the Certificate of Marriage of 10th March, 2022 and a letter written by the petitioner to the respondent no. 4/ Registrar General of Marriage, Government of West Bengal submitting relevant documents to the respondent no. 4. The letter was received by the respondent no. 4 on 9th June, 2022. The petitioner wrote a further letter to the respondent no.4 through her lawyer on 3rd January, 2023 in terms of the documents furnished by the petitioner and requesting the respondent no. 4 to attest the said documents. The letter records that the petitioner submitted certain documents to the Department of Home and Hill Affairs, Foreigners Branch, Government of West Bengal on 31st March, 2022 and even met with the respondent no. 4 on 12th July, 2022.

This Court hence finds no explanation from the respondent no. 4/ the Registrar General of Marriage for remaining unresponsive to the two letters of the petitioner, particularly when the respondent no. 4 met with the Registrar in July, 2022 (as stated in the second letter) and after at least three documents were received from the petitioner in respect of the documents required for the petitioner's travel to be with her husband in Switzerland.

WPA 1358 of 2023 is accordingly disposed of with a direction on the respondent no. 4 being the Registrar General of Marriage to forthwith reply to the letters sent by the petitioner and inform the petitioner as to the required documents and steps which are to be initiated for the petitioner's travel to Switzerland. The respondent no. 4 shall reply to the letters within two weeks from the date of communication of this order. The respondent no. 4 is also directed to render all possible assistance to the petitioner in respect of the documents and the procedure to be undertaken by the petitioner for the petitioner's travel to Switzerland. The respondent no. 4 shall seek the assistance of the respondent no. 5, being the Marriage Officer, Saheed Dinesh Sarani, North Durganagar, Barrackpore, North 24-Parganas, if required, for compliance of this direction.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)