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WPO/1720/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SK MD MASUD
VS
REGISTRAR GENERAL OF MARRIAGES AND ORS

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 18th December, 2023.

Appearance:
Mr. Jitinder Singh Dhatt, Adv.
. . .for the petitioner.

Mr. Ayan Banerjee, Adv.
Mr. Paritosh Sinha, Adv.
. . .for the State.

The Court: The petitioner alleges that false allegations of production of a forged remarriage certificate of his wife has been made against him.

It is alleged that the criminal proceeding in connection with such false allegation is pending since long. The petitioner seeks a direction on the marriage registration authorities to furnish a report to indicate as to whether the certificate is fraudulent or not.

According to the petitioner, such production of a report will clinch the issue in favour of the petitioner.

Upon hearing learned counsel for the parties, it transpires that the petitioner alleges that although he produced a valid certificate showing the

remarriage of the petitioner's wife during subsistence of his marriage, the same was sought to be disbelieved due to his wife's efforts to malign the petitioner by making allegations of forgery against the petitioner. Although the petitioner says that the document is not forged and seeks the marriage registration authorities to produce a report in that regard, such report, at best would be a piece of evidence in the criminal trial which is ongoing on the basis of the allegation of forgery levelled against the petitioner vis-à-vis the concerned marriage certificate.

Thus, nothing hinges on the said report simpliciter. Moreover, in the present case, no legal right of the petitioner has been infringed as such for the Writ Court to interfere.

The reliance placed by the petitioner on Article 261 of the Constitution and Section 79 of the Indian Evidence are misplaced, since the said provisions merely raise a presumption of correctness with regard to public documents, which is rebuttable in a Court of Law. In such view of the matter, there is no scope of any interference in the writ petition.

Accordingly, WPO 1720 of 2023 is dismissed without any order as to costs.

It is made clear that nothing in this order shall preclude the petitioner from taking all points before any forum where any dispute regarding the said certificate is pending. Such forums shall decide all issues pending before them independently in accordance with law without being influenced in any manner by any of the observations made herein.

Affidavit of service filed in Court today be taken on record.

No order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)

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