



\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4511/2024**

SAADUZZAMAN

.....Petitioner

Through: **Mr. Suryansh Garg, Advocate.**

versus

GOVERNMENT OF NCT OF DELHI

.....Respondent

Through: **Mr. Vishal Chanda, and Mr. Udit Malik, Advocates for GNCTD.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

04.07.2024

%

1. The Petitioner submits that he was married under applicable Muslim personal law on 10th September, 2022, however, there is no mechanism in place for registration of such marriages under the Delhi (Compulsory Registration of Marriages) Order, 2014. Specifically, it is submitted that the online form provided by the Respondent only allows for registration under the Special Marriage Act, 1954, for marriages wherein one or both parties are non-Hindus married under personal law. In such circumstances, the instant petition seeks directions to the Respondent to issue appropriate rules for registration of such marriages.

2. In a similar matter, W.P.(C) 9348/2023, the Court has today issued a writ of mandamus to the government. The relevant portion of the said order is reproduced as follows:

“9. In spite of the assurances given, it is disconcerting to observe that



appropriate administrative instructions have yet to be issued, nearly three years following the order dated 4th October 2021. The persistence of the issue, as evident in the present case, underscores a systemic failure. There appears to be no established procedure — neither online nor offline — for the registration of marriages under the Compulsory Registration of Marriage Order, 2014, particularly for those solemnized under Muslim Personal Laws or Christian Personal Laws. This lack of infrastructure perpetuates the difficulties faced by parties seeking to fulfil legal requirements, such as obtaining visas or asserting rights dependent on official marriage recognition.

10. In light of the above, the Court finds it to be a fit case to invoke powers under Article 226 of the Constitution of India since the State has failed to carry out its duty as mandated under law, despite their recorded assurance in a previous writ petition.

11. The present petition is disposed of with the following directions to the Respondents:

(a) Consider the Petitioners' application for registration of marriage under the Delhi (Compulsory Registration of Marriage) Order, 2014 and issue a marriage certificate, subject to the application being in order and the Petitioners fulfilling the eligibility criteria stipulated in the said Order.

(b) Respondent No. 3, the IT Department/Marriage Branch of the Revenue Department, Government of NCT of Delhi, is instructed to immediately take necessary steps to enable the registration of marriages under the Compulsory Registration of Marriage Order, 2014 on the Delhi government marriage registration online portal. This action is imperative to ensure that similar issues are resolved promptly and do not recur, facilitating smoother administrative processes for the public."

3. In view of the above, the present petition is disposed of with the observation that the reasoning and directions given in the order dated 4th July, 2024 in W.P.(C) 9348/2023 shall apply to the present case.

4. Disposed of.

SANJEEV NARULA, J

JULY 4, 2024/nk