



CM-3610-CWP-2025 in/and
CWP-22327-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CM-3610-CWP-2025 in/and
CWP-22327-2024
Date of Decision : 17.03.2025

Anita Sakur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Mohammad Arshad, Advocate and
Ms. Uzra Khan, Advocate
for the applicant/petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

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For the good and valid reasons assigned in the application, same is allowed. Main case is preponed from 06.05.2025, and taken on board today itself.

Application stands **disposed of** accordingly.

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1. Through the instant petition, cast under Articles 226/227 of the Constitution of India, a prayer is made for issuance of a mandamus, directing the respondent No.3, to cancel the marriage certificate dated 07.06.2022 (Annexure P-2), which was issued to the petitioner and her husband namely, Suleyman Sakur, on the application preferred by them.

2. Succinctly, the petitioner has solemnized the marriage with one Suleyman Sakur, on 31.05.2022, with sikh rites and ceremony at Gurudwara Shri Guru Singh Sabha, village Majri, Tehsil Nakodar, District Jalandhar, who is now the resident of Germany. Thereafter, the petitioner applied for registration of marriage under the Punjab Compulsory Registration of



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Marriage Act, 2012. Resultantly, the marriage certificate was issued on 07.06.2022 (Annexure P-2). The difficulty which arose subsequently, is the denial of visa by the German Embassy, on account of the fact that the marriage with Suleyman Sakur, was not solemnized in accordance with the law, as the marriage was required to be solemnized under the Special Marriage Act, 1954, on account of different religions of the petitioner and her husband. Thereafter, the petitioner solemnized the marriage, as per the provisions of the Special Marriage Act, 1954, and the certificate dated 25.05.2024, was issued under the Special Marriage Act, 1954, to the petitioner and her husband.

3. Now, the petitioner has approached this Court, for issuance of a mandamus upon the authorities concerned, to cancel the first marriage registration certificate.

4. It is not under dispute that the Punjab Compulsory Registration of Marriage Act, 2012, does not confer any jurisdiction with the registration authorities to cancel the certificate so issued, therefore, this Court cannot pass a mandamus upon the authorities concerned, to cancel the first marriage registration certificate.

5. However, the petitioner can approach the learned Civil Court concerned, for seeking declaration of the first marriage certificate, as null and void, on account of the reasons, as spell out in the instant petition. Therefore, this Court cannot grant the asked for mandamus.

6. Consequently, the instant writ petition is **dismissed**. However, the liberty is extended to the petitioner, to approach the Civil Court concerned, for redressal of her grievance, if any.

(KULDEEP TIWARI)
JUDGE

March 17, 2025
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No