GAHC010224752026

2026:GAU-AS:15483

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5564/2026

TUMPA DAS
DAUGHTER OF DULU DAS, RESIDENT OF HOUSE NO 34, JAYANAGAR, BHASKAR NAGAR, BAMUNIMAIDAN, GUWAHATI 781021, KAMRUP METROPOLITAN, ASSAM

2: PARUYAZ AHMED
SON OF RAHIMUDDIN AHMED
RESIDENT OF PURNI MATI SATTA
P O JORHAT RESEARCH LAB
P S CINNAMARA
JORHAT 785006
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI 781006, ASSAM

2:THE DISTRICT COMMISSIONER
KAMRUP METROPOLITAN
OFFICE OF DISTRICT COMMISSIONER
RED CROSS BHAWAN ROAD
RUPNAGAR
GUWAHATI 781032
KAMRUP METROPOLITAN
ASSAM.

3:THE SUB REGISTRAR CUM MARRIAGE OFFICER
KAMRUP METROPOLITAN
OFFICE OF DISTRICT COMMISSIONER
RED CROSS BHAWAN ROAD
RUPNAGAR

GUWAHATI 781032
KAMRUP METROPOLITAN
ASSA

Advocate for the Petitioner : MR D AKRAM, MR. B K DEKA

Advocate for the Respondent : GA, ASSAM, SC, REVENUE AND DISASTER MANAGEMENT DEPT

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

13.10.2026

1. Heard Mr. D. Akram, the learned counsel for the petitioner. Also heard Mr. H. Sharma, learned State counsel, Assam representing the respondents.

2. The petitioners have approached this Court being aggrieved by the inaction of the respondent Marriage Officer in processing their application for solemnization of marriage under the Special Marriage Act, 1954.

3. The grievance of the petitioner is that the respondent has declined to proceed with the application solely on the ground that the petitioners have not furnished a No Objection Certificate from their parents and have not secured their presence before the Marriage Officer.

4. In the aforesaid backdrop, this Court under its order dated 09.10.2026, sought instruction from the Marriage Officer.

5. Mr. Sharma has received instructions from the Sub-Registrar and Marriage Officer, Kamrup Metropolitan District, that the application was

inadvertently left unattended and there is no intentional or deliberate refusal on the part of the authority to consider or dispose of the application, of the application. It was further intimated that, as the matter has now come to the notice of the Marriage Officer, the said application has duly been approved from the end of the Sub-Registrar.

6. In view of the aforesaid, the petitioner should not have any apprehension as contended in the petition, more particularly, in the backdrop of the scheme of the Special Marriage Act itself.

7. The said Act provides for a form of civil marriage, irrespective of the religion professed by the parties. Section 4 of the Act prescribes the conditions for solemnization of a marriage, while Sections 5 to 8 provide the procedure relating to the notice of the intended marriage, publication of the notice, and objection thereto.

8. The statutory scheme thus specifies the conditions to be fulfilled by the parties and the procedures to be followed by the Marriage Officer. Neither parental consent nor a no-objection certificate from the parents is prescribed as a condition for the solemnization of a marriage between persons who fulfill statutory requirements inasmuch as it is a secular legislation intended to enable persons to solemnize their marriage under a civil law without being required to conform to the personal law of either party.

9. At the same time, this Court cannot be unmindful of the mandate of the Assam Right to Public Services Act, 2012, and registration of a marriage also comes within the purview of the said Act.

10. Thus, though this Court has accepted the unintentional, inadvertent action of the Marriage Officer, however, as a note of caution, it is recorded that the Assam Right to Public Services Act, 2012, was enacted with a noble object of ensuring delivery of notified public services to citizens within stipulated time limit and to secure accountability of public servant entrusted with that responsibility.

11. Accordingly, this Court expects that the authorities, those involved in the registration of such marriage, shall strictly adhere to the timeline prescribed under the aforesaid Act and proceed with the application submitted by the petitioners under Special Marriage Act, 1954.

12. This disposes the writ petition.

JUDGE

Comparing Assistant