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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2703/2026 and CM APPL. 13081/2026, CM APPL. 13082/2026**

Date of Decision: **26.02.2026**

IN THE MATTER OF:

ARINDAM MOHANTA

.....Petitioner

Through: Mr. Ravi Shankar Jandhyala, Sr. Advocate with Mr. Kumar Abhishek, Mr. P. Venkatraju, Ms. Megha Tiwari, Mr. Satyam Parashar, Mr. Santosh Kumar Yadav, Ms. Monika Saini, Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Hitendra Nath Rath and Ms Laxmi, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petition prays for the following reliefs:

- “i. Issue an appropriate writ, order or direction, including a writ of certiorari, declaring that the alleged marriage between the Petitioner and Respondent No. 3 purportedly registered on 07.08.2025, is null, void, and non-est in law, having been registered without solemnisation in accordance with Section 7 of the Hindu Marriage Act, 1955.*
- ii. Issue a writ, order or direction quashing and setting aside the certificate of marriage dated 08.08.2025 and all consequential entries made by the office of the*

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(Sub-District Magistrate, Dwarka, South West District, Revenue Department, Govt. of NCT of Delhi), being contrary to law.

iii. Declare that the Petitioner and Respondent No. 3 have never acquired the legal status of husband and wife under the Hindu Marriage Act, 1955.

iv. Issue a writ, order or direction restraining Respondent No. 3 and all authorities from treating or representing the Petitioner as a legally married person pursuant to certificates of marriage dated 07.08.2025 and 08.08.2025.

v. Pass an appropriate writ, order or direction directing Respondent No.1 to delete / cancel the certificate of marriage entry from official records and databases forthwith.

vi. Declare that any civil or criminal consequences flowing from the impugned registration, if any, shall not be enforced against the Petitioner, the alleged marriage being void in law.

vii. Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice."

2. A perusal of the prayer clause reveals that the present petition has been filed to seek a declaration that the marriage between the petitioner and respondent no. 3 registered on 07.08.2025 to be null and void; and further to quash the certificate of marriage dated 08.08.2025. The primary ground pleaded in the petition, to support the prayer, is that the purported marriage was performed without complying with the customary rites such as Homa or Saptapadi.

3. It appears to be palpably obvious that a substantial adjudication of the case in hand would require this Court to delve into seriously disputed questions of facts, which the Court under Article 226 of the Constitution, cannot delve into.

4. In ***Radha Krishnan Industries v. State of Himachal Pradesh***¹ the Supreme Court re-iterated the discretion available with the writ court to decline exercise of its powers when disputed questions of facts are involved. The material portion of the judgement reads as under

"27.6. In cases where there are disputed questions of fact, the High Court

¹ (2021) 6 SCC 771.



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may decide to decline jurisdiction in a writ petition. However, if the High Court is objectively of the view that the nature of the controversy requires the exercise of its writ jurisdiction, such a view would not readily be interfered with.”

5. This Court in ***IDBI Bank Ltd. v. Power Finance Corporation Ltd.***² while analysing the impermissibility of entertaining writs which have their origin in private and not public law has held as under:

“26. Each of the issues so mentioned above, fall exclusively in the domain of private law and are fundamentally contractual in nature. There is no element of public law that this court finds involved in the present petition. The mere fact that the parties engaging in the contract are State or its instrumentalities, does not in itself make the issue relevant to public law. There is no determination of the rights relating to public law, nor is there a consideration relating to the public at large that needs to be factored in while deciding the dispute so argued by the parties. Issuance of the BGs by the petitioner at the instance of respondent no. 2 in the favour of respondent no. 3 and its encashment is purely governed by the terms of the BGs. The same is the commercial wisdom of the parties. It concerns the legal relationship between the parties involved, namely, the bank and the beneficiary of the guarantee. The enforcement is not the result of any administrative order or State act involving the exercise of State power.

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35. This court cannot countenance the argument that, whereas, otherwise, a dispute owing to its private law origins ought to have been agitated before a civil court, merely because the entity so breaching the contract is a State or its functionary, the case is to be considered under Article 226 of the Constitution of India. Arbitrariness, under Article 14 of the Constitution of India needs to be pleaded in exclusion to claims of pure breach of contract. In the present petition, the petitioner has not been able to persuade this court that the breach so alleged on the part of respondents is of such a nature that it may be considered arbitrary and deserves to be entertained under the writ jurisdiction of this court alone.”

6. In the facts and circumstances of the case, and the law discussed above the Court does not deem it fit to entertain the present petition. The petitioner, however, shall be at liberty to take appropriate recourse in accordance with law.

² 2023 SCC OnLine Del 2909.



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7. With the aforesaid observation and liberty, the instant petition stands disposed of, along with pending applications, if any.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

FEBRUARY 26, 2026

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