

Before K. Kannan , J.

**AARTI SINGH WIFE OF LAKHWINDER SINGH AND
ANOTHER,—Petitioners**

versus

**CHIEF REGISTRAR UNDER REGISTRATION OF
MARRIAGE ACT, CIVIL SECRETARIAT, HARYANA,
CHANDIGARH,
AND OTHERS,—Respondents**

C. W. P. No.2480 of 2011

4th August, 2011

Constitution of India - Art. 226 - Haryana Compulsory Registration Marriages Act, 2008 - Ss. 5, 7 - Criminal Code of Procedure - S. 482 - Whether requirement by registering Officer of concurrence of the parents - Held, adults who marry on their own accord cannot be made to run from pillar to post to registered - Petition allowed - Mandate given to register marriage is no other legal impediment.

Held, That Adults, who marry on their own accord with or without the consent of parents, cannot be made to run from pillar to post and it is the duty of the State to make the registration machinery move fast with sufficient unction to secure registrations without any stumbling block. I cannot take an averment in the petition that the Registering Officer requires a concurrence of the parents as a statement made only for the purpose of the petition. There is hardly a reason for the petitioners to make such a statement, unless it was true. It would mean serious dereliction of duty if Registering Officers draw their feet when young couples arrive with bated breath to seal their marriages to safety but obstructed by corrupt or inept officials at the registration department. I mandate the 4th respondent to register the marriage, when they show up with the copy of this order, in the manner required to be done, if there is no other legal impediment.

(Para 4)

Brijender Kaushik, Advocate, *for the petitioners.*

Kirti Singh, DAG, Haryana.

K. KANNAN, J. (ORAL)

(1) The petitioners seek for a direction for registration of their marriage under the Haryana Compulsory Registration Marriages Act, 2008. The petitioners' grievance is that the Registering Officer, 4th respondent, requires the concurrence of the parents for registration. Since they have married against the wishes of parents, the contention in the writ petition is that, it will not be possible to secure their concurrence. The insistence for such a course by the Registering Officer is not in accordance with law.

(2) The State does not join issues on the alleged insistence for concurrence of the parents but states that after their marriage, the petitioners are now the residents at Shahabad, within the limits of the Municipal Corporation and in terms of a notification, dated 18.08.2008, issued by the Government under Section 5 of the Act, only the Joint Commissioner of the Municipal Corporation or the Executive Officer/Secretary to the Municipal Committee/Council, would be the Registrar of Marriages under the Act.

(3) The learned counsel for the petitioners points out that the jurisdictional Registrar under Section 7 is, (i) the Registrar of the area in which the marriage was solemnized; (ii) the ordinary place of residence of the bride/her parents or bridegroom/his parents. The ordinary place of residence, according to the petitioner, is just as well the place where one of the spouses resided till the date of marriage and in the form of application submitted for registration of marriage. The 1st petitioner has declared her ordinary place of residence to be Ajrana Kalan, Tehsil Shahabad, District Kurukshetra. The counsel, therefore, would argue that in terms of the same notification referred to above, the Tehsildar shall be the competent Registrar for rural areas. Since Ajrana Kalan is a rural area which fall within the Tehsil Shahabad, the 4th respondent is the competent officer.

(4) The run away couples that flee from their native towns to protect themselves from their kin that shamelessly thirst for their blood and go berserk to strike as under the marital knots ought to find solace in the civil society's sane response. It has been a recurrent theme in Courts where our jurisdiction under Section 482 Cr.P.C. and Article 226 of the Constitution is swamped by petitions in large numbers by persons coming to Courts in bids to secure legitimacy to the marriages that take place in temples, gurdwaras etc. While exercise of jurisdiction to protect the couples themselves is not a major issue, one might suspect, couples approach Courts only because registration of marriages become difficult. Adults, who marry on their own accord with or without the consent of parents, cannot be made to run from pillar to post and it is the duty of the State to make the registration machinery move fast with sufficient unctio to secure registrations without any stumbling block. I cannot take an averment in the petition that the Registering Officer requires a concurrence of the parents as a statement made only for the purpose of the petition. There is hardly a reason for the petitioners to make such a statement, unless it was true. It would mean serious dereliction of duty if Registering Officers draw their feet when young couples arrive with bated breath to seal their marriages to safety but obstructed by corrupt or inept officials at the registration department. I mandate the 4th respondent to register the marriage, when they show up with the copy of this order, in the manner required to be done, if there is no other legal impediment. The petitioners will be at liberty to approach this Court if ever there is any hardship experienced at the office of the 4th respondent and it is stated before hand that any complaint of dereliction by the public officer will be viewed very seriously.

(5) The writ petition is allowed on the above terms.

(6) The order copy be issued dasti under the signature of the Reader attached to this Court.

A. Agg.