

Court No. - 80

Case :- WRIT - C No. - 22491 of 2024

Petitioner :- Shanidev And Another

Respondent :- State Of Up And 7 Others

Counsel for Petitioner :- Ranjeet Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Vinod Diwakar,J.

1. Heard learned counsel for the petitioners and learned Additional Chief Standing Counsel for the State-respondents.
2. The petitioners have filed the instant petition to seek protection against a threat to their lives and property from private respondent no.4.
3. Learned counsel for the petitioners submits that after attaining the age of majority, the petitioners solemnized their marriage on 03.06.2007 at Arya Samaj Mandir, Greater Noida. A reliance is placed on a photocopy of the marriage certificate issued by the Arya Samaj Mandir, Greater Noida, apparently registered at Arya Pratinidhi Sabha 5-Meerabag, Lucknow. On the basis of the marriage certificate, the parties have also applied for registration of marriage with the Marriage Registrar, Gautambudha Nagar. The petitioners are ordinarily residents of District Etawah, Uttar Pradesh.
4. Learned Additional Chief Standing Counsel drew the attention of this Court to the marriage certificate, which appears to be issued by Arya Samaj Mandir, Greater Noida, having no details viz, the name of person who has solemnized the marriage, registered address of the Arya Samaj Mandir, Greater Noida, name, address and mobile number of the witnesses etc so that it could be established that the marriage has been solemnized in accordance with Section 5 of the Hindu Marriage, Act, 1955 by the priest. The learned Standing Counsel raised strong suspicion about the marriage certificate, annexed as Annexure-3, stated to be a forged document, and on the

basis of a forged document, the petitioners have applied for registration of marriage before the Marriage Registration Officer, Ghaziabad.

5. This is not a single case wherein a serious objection has been raised by the learned Additional Chief Standing Counsel about the manner in which the fake marriage certificates are issued by fake registered Organizations/Societies in support of the contentions raised in the petition and the courts are overburdened with the frivolous petitions of such nature.

6. It has also been observed in numerous cases that the marriage certificates are procured by individuals fraudulently in connivance with the officials and employees of the Marriage Registration Office to establish a claim for a valid marriage. In many cases, it has been revealed that neither the society, as claimed, exists nor the marriage certificate is issued by the office of the Registrar of Marriage in accordance with the law. It has also been noticed that most of such Societies/Organizations are situated either in Noida or Gautambudha Nagar.

7. This Court cannot lose sight of the fact that without the support of local police and civil administration, such activities could not continue in an organized manner. The sanctity of the institution of marriage has been taken ride by the individuals who perform marriage in contravention of the Hindu Marriage Act, 1955- and setting a trend that may lead to wide-ranging impacts on the social fabric of society. No doubt, after attaining the age of majority, the citizens are free to choose their life partner and, accordingly, enter into a matrimonial alliance or may live in a live-in-relationship but not at the cost of statutory provisions or by filing forged and fabricated documents before the Court to seek protection orders under the garb of protection guaranteed under Article 21 of the Constitution of India. It is the collective duty of the State instrumentalities to ensure that the applicable law of land and statutory provisions shall be strictly

followed and their compliance shall be ensured to maintain harmony and sanctity of the institution of marriage.

8. Based on the forgoing deliberations, the Assistant Inspector General of Registration (Stamp and Registration), Ghaziabad, Gautam Budha Nagar are directed to appear before this Court on the next date of hearing along with Marriage Registration Rules, Notifications, Government Orders or any such material which regulates the procedure for solemnization and registration of marriage along with the details of marriages registered within their territorial jurisdiction (each marriage officer shall file a separate report) from **1st August 2023 to 1st August 2024 (last one year)** in the manner outlined therein;

Sr. No.	Name of the parties to the marriage along with the name of Purohit, who had solemnized marriage along with a residential address and contact number	Date and place of Solemnization of marriage along with name and address of society	Place of permanent domicile of the parties separately for boy and girl	Documents filed in support of age by boy and girl	Name of the office of marriage Registrar (in case there are more than one Marriage Registrar in one district, separate details shall be mentioned)
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9. The **Inspector General Stamp, Uttar Pradesh** shall also file the number of marriage sregistered from **1st August 2023 to 1st August 2024** within the territorial jurisdiction of Uttar Pradesh district-wise.

10. Needless to say, this Court has observed in numerous cases- every day in 10-15 cases- the marriages are apparently fraudulently solemnized and thereafter on fake papers registered with the Marriage Registration Officer either at Prayagraj or at Ghaziabad and Noida. In such cases, (i) either marriage proof is attached along with the petition, (ii) or/the witnesses are not genuine; no proper identification of witnesses is observed, (iii) or/ the institution/organization which issues the marriage certificate is not entitled as per their bye-laws or

on enquiry found non-existent, (iv) or/and the marriage is not performed in accordance with Section 5 of Hindu Marriage Act, 1955; (v) or/and proper marriage ceremonies are not performed in accordance with law.

11. The **Principal Secretary (Stamp and Registration), Lucknow**, shall ensure that the terms of this order are complied with in letter and spirit by the next date fixed. The Principal Secretary (Stamp and Registration) shall ensure that the report is readable and duly typed with reasonable *font size and spacing between the lines*.

12. The Registrar (Compliance) is directed to communicate a copy of this order to the Principal Secretary (Stamp and Registration), Lucknow, the Inspector General Stamp, Prayagraj, and the Assistant Inspector General of Registration (Stamp and Registration), Ghaziabad, Gautum Budha Nagar, and Prayagraj, with immediate effect.

13. A copy of this notice should also be sent to Arya Pratinidhi Samaj 5 Meerabai Marg, Lucknow, through the local S.H.O. to ensure the presence of either the Secretary or President of the Society to assist the Court. It has been observed that all the societies that issue the marriage certificates are shown to be affiliated with the Arya Pratinidhi Sabha 5 Meerabai Marg.

14. Put up as fresh on **06.08.2024 as tied up** matter before this Court along with compliance report.

15. Meanwhile, if the petitioners apprehend any threat to their life and property, they may approach the respondent no. 3 to seek protection. After a fresh evaluation of the threat assessment, the respondent no. 3 shall accordingly take adequate measures.

Order Date :- 24.7.2024

A. Tripathi

Justice Vinod Diwakar