

राजस्थान सरकार
विधि एवं विधिक कार्य विभाग

प.26(9)न्याय / 2019

जयपुर, दिनांक: 08/07/2022

समस्त विशेष विवाह अधिकारी एवं,
समस्त जिला कलक्टर एवं जिला मजिस्ट्रेट,
राजस्थान।

विषय:- डी.बी. सिविल (जनहित) याचिका सं. 17080 / 2017 कुलदीप सिंह मीणा बनाम राजस्थान राज्य।

संदर्भ:- क्रमांक-विधि / 198 / रि पि / 2017 / 2045 दिनांक 29.04.2019 एवं इस विभाग का समसंख्यक पत्र दिनांक 27.07.2020.

महोदय,

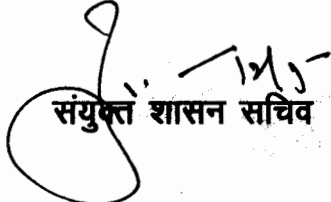
उपरोक्त विषयान्तर्गत माननीय उच्च न्यायालय जयपुर के निर्णय दिनांक 20.02.2018 के विरुद्ध शीर्ष न्यायालय में विशेष अनुमति याचिका फाइल कराए आने का विनिश्चय किए जाने पर राज्य की ओर से विशेष अनुमति याचिका (सिविल) डायरी सं. 46587 / 2019 फाइल कराई गयी थी जो 30.01.2020 को अस्वीकार कर दी गयी।

अतः प्रासंगिक डी.बी. सिविल (जनहित) याचिका सं. 17080 / 2017 में माननीय राजस्थान उच्च न्यायालय जयपुर में पारित आदेश 20.02.2018 में प्रदत्त निदेशों:-

That the procedure of affixing the notice at the residence of the parties is not warranted or authorized by law. It has been held that this would amount to a breach of privacy of the individuals, and

Directing all marriage Officers in the State of Rajasthan not to dispatch notices to the residence of the applicants who seeks solemnization of their marriage under the Special Marriages Act, 1954 की पालना सुनिश्चित करावें।

संलग्न:- माननीय शीर्ष न्यायालय का आदेश दिनांक 31.01.2022; एवं राजस्थान उच्च न्यायालय, जयपुर का आदेश दिनांक 20.02.2018.


संयुक्त शासन सचिव

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 46587/2019

(Arising out of impugned final judgment and order dated 20-02-2018 in DBCW No. 17080/2017 passed by the High Court of Judicature for Rajasthan at Jaipur)

THE STATE OF RAJASTHAN & ORS.

Petitioner(s)

VERSUS

KULDEEP SINGH MEENA

Respondent(s)

(FOR ADMISSION and I.R. and IA No.10328/2020-CONDONATION OF DELAY IN FILING and IA No.10329/2020-EXEMPTION FROM FILING O.T.)

Date : 31-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Dr. Manish Singhvi, Sr. Adv.
Mr. Shailja Nanda Mishra, Adv.
Mr. Arpit Parkash, Adv.
Mr. D.K. Devesh, Adv.
Mr. Milind Kumar, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

We find no ground to interfere with the impugned order(s) passed by the High Court. The special leave petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

(NARENDRA PRASAD)
A.R-CUM-P.S.(JAGDISH CHANDER)
COURT MASTER

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writs No. 17080/2017

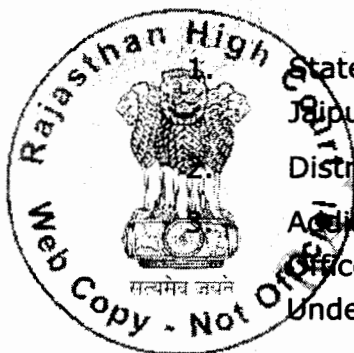
Kuldeep Singh Meena S/o Sh. Laxmi Narayan Meena, R/o Permanent R/o Village Post - Jahira, Tehsil- Bamanwas, District- Sawai Madhopur, Rajasthan, Presently Residing At 79, Kiran Path, Suraj Nagar (West), Civil Lines, Jaipur, Rajasthan.

----Petitioner

Versus

State Of Rajasthan Through Chief Secretary, Secretariat, Jaipur.
District Magistrate And Collectorate, Jaipur.
Additional District Magistrate - Iv, Jaipur (The Marriage Officer For The Purpose Of Solemnization Of Marriages Under The Special Marriage Act, 1954)

----Respondents



For Petitioner(s) : Mr. Kuldeep Singh, petitioner in person
For Respondent(s) : Mr. Rajan Prajapati on behalf of Mr. Dy. District Magistrate

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G. R. MOOLCHANDANI**

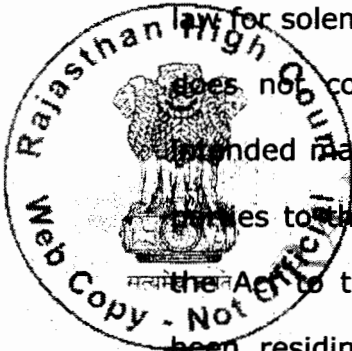
Order

20/02/2018

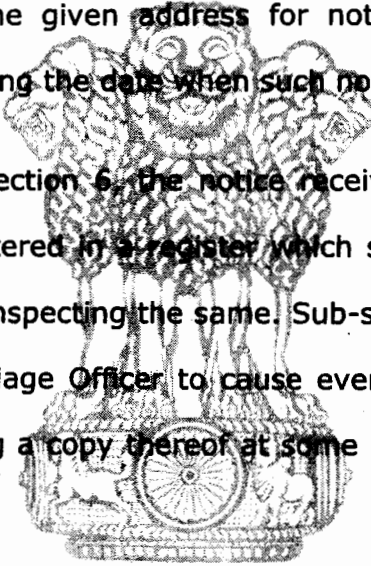
1. Heard learned counsel for the parties.
2. The issue raised in the petition is to the legality of the procedure followed by the competent authority under the Special Marriages Act, 1954 to paste a notice of the intending marriage between the couple at the respective residence of the couple through SHO of the concerned Police Station.
3. Same procedure was being followed in Delhi and as per a decision dated 08.04.2009 in N.P.(C) No.748/2009: Pranav



Kumar Mishra & Anr. Vs. Govt. of NCT of Delhi & Anr., a learned Single Judge held that procedure for registration of the marriage under the Special Marriages Act, 1954 does not warrant to send a notice at the residence of the parties, much less affix the same at the residence through the SHO. The learned Single Judge noted that as per Section 4 of the Act the requirements to be fulfilled in law for solemnization of special marriages have been provided and does not contemplate issuance of a notice. The notice of the intended marriage is conceived by Section 5. It contemplates the parties to the marriage to give a notice in the forms specified in the Act to the Marriage Office indicating therein that they have been residing at the given address for not less than 30 days immediately preceding the date when such notice is given.



4. As per Section 6, the notice received by the Marriage Office has to be entered in a register which shall be open to any person desirous of inspecting the same. Sub-section (2) of Section 6 requires the Marriage Officer to cause every such notice to be published by affixing a copy thereof at some conspicuous place in his office.



5. Thus, the conclusion drawn by the learned Single Judge is that the procedure of affixing the notice at the residence of the parties is not warranted or authorised by law. It has been held that this would amount to a breach of privacy of the individuals.

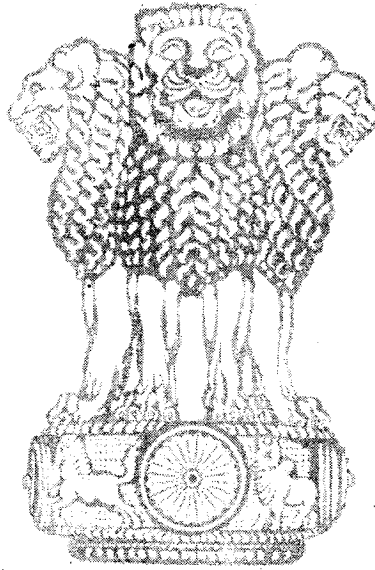
6. We concur with the reasoning of the learned Single Judge of the Delhi High Court and thus dispose of the present petition directing all Marriage Officers in the State of Rajasthan not to despatch notices to the residence of the applicants who

seeks solemnization of their marriage under the Special Marriages Act, 1954.

7. No costs.

(G R MOOLCHANDANI),J

(PRADEEP NANDRAJOG),CJ



सत्यमेव जयते