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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT.CAS(C) 531/2021

PARVEEN BANO & ANR.

.....Petitioners

Through: Mr Utkarsh Singh, Mr Mohd.
Tauheed Arshi and Mr Mohd.
Humaid, Advocates.

versus

CHANDRA SHEKHAR SDM SOUTH WEST Respondent

Through: Mr Naushad Ahmed Khan, ASC for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **10.08.2021**

The hearing was conducted through video conferencing.

1. This Court by its order dated 08.04.2009 passed in W.P.(C) No.748/2009 (*Pranav Kumar Mishra and Anr. v. Govt. Of NCT of Delhi & Anr.*) had directed, *inter alia*, as under:

“...9. It is to be kept in mind the that the Special Marriage Act was enacted to enable a special form of marriage for any Indian national, professing different faiths, or desiring a civil form of marriage. The unwarranted disclosure of matrimonial plans by two adults entitled to solemnize it may, in certain situations, jeopardize the marriage itself. In certain instances, it may even endanger the life or limb of one or the other party due to parental interference.

....

- 11.*In such circumstances if such a procedure is being adopted by the authorities, it is completely whimsical and without authority of law. The Writ Petition, therefore, deserves to succeed; the respondents are hereby directed to consider and process the petitioners” request for solemnization of marriage under the Special Marriage Act, 1954, without sending any notices to their residences. It is, however, open to the*

concerned Marriage Officer to display the notice on the office notice board in accordance with law. All Marriage Officers are hereby directed to follow the above procedures and not despatch notices to the residence of the applicants, who seeks solemnization of their marriage under Chapter II of the Act... ”

2. In other words, whenever a couple desire to get their marriage registered under the Special Marriage Act, 1954, notices are not to be sent to their residences. There is prohibition to send such notices which could jeopardize the plans of the applicants or become a cause for threat to their lives or limb. At best, the notice can be displayed at the notice board of the office in accordance with law. The Marriage Officers were specially directed to follow the said procedure and not to dispatch the notices, to the residences of the applicants/petitioners, who sought solemnization under Chapter II of the Special Marriage Act, 1954.
3. Pursuant to the aforesaid order, the GNCTD issued directions to all the Deputy Commissioners of the Government of NCT of Delhi on 18.09.2009, which reads *inter alia* as under:

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
REVENUE DEPARTMENT
5, SHAMNATH MARG, DELHI - 54

F.1(8)/DC/HQ/MC/06/ 53

Dated: 18/09/09

To,

All Deputy Commissioner
Delhi / New Delhi

Sub: Direction of Hon'ble High Court of Delhi in Special Marriage Act, 1954 -
Dispensing with notices to be sent to residences of the parties.


Sir / Madam,

I am directed to forward herewith the copy of judgment in Case No. WP(C)No.748/2009, dated 08.04.2009 in respect of Pranav Kumar Mishra Vs Govt of NCT of Delhi on the subject of solemnization of marriage under Special Marriage Act, 1954 without sending any notices to their residences. The Hon'ble Court has also kept it open to the concerned Marriage Officer to display the notice on the office notice board in accordance with law.

I am further directed to request you to issue appropriate directions to concerned Registrar of Marriages under your jurisdiction for strict adherence to the judicial pronouncement.

Encl: as above

Yours faithfully,


[Vinay Kumar]
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Addl. District Magistrate (HQ)

4. Despite the above, the respondent/SDM, South West District, issued notices at the residence of one of the applicants/petitioners apropos the registration of marriage sought by him and his partner, under the provisions of the Special Marriage Act, 1954 on 25.02.2020.
5. The aforesaid issuance of notice is in clear breach of this Court's directions dated 08.04.2009. *Prima facie*, the court is of the view that the respondent has committed contempt of court.
6. Issue notice to the respondent to show cause why contempt proceedings be not initiated against him for obstructing the administration of justice and for committing contempt of court. Notice is accepted by the learned counsel named above for the respondent. Reply be filed in two weeks each. Rejoinder thereto, if any, be filed on or before the next date.
7. Renotify on 08.09.2021.

8. The order be uploaded on the website forthwith.

AUGUST 10, 2021/rd

NAJMI WAZIRI, J