

GAHC010010772026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1764/2026

SMT SMITA SEN AND ANR
DAUGHTER OF SURAJIT SEN, RESIDENT OF HOUSE NO. 1466, DEBEN
KHAKHLARI PATH DHIRENPARA, GUWAHATI, P.O. DHIRENPARA AND P.S.
FATASIL AMBARI, DISTRICT KAMRUP METROPOLITAN, ASSAM, PIN-
781025.

2: SHUKCHAND ALI
S/O- AMZAD ALI
RESIDENT OF A. K. DEVI ROAD
DHIRENPARA
GUWAHATI P.O. DHIRENPARA P.S. FATASIL AMBARI
DISTRICT- KAMRUP METROPOLITAN
ASSAM
PIN- 781025

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE DEPARTMENT, JANATA BHAWAN,
DISPUR, GUWAHATI-781006.

2:THE DISTRICT COMMISSIONER
KAMRUP MERTOPOLITAN
HENGRABARI
GUWAHATI
DISTRICT-KAMRUP METROPOLITAN
ASSAM
PIN- 781036.

3:THE SENIOR SUB-REGISTRAR
KAMRUP MERTOPOLITAN
HENGRABARI
GUWAHATI

DISTRICT -KAMRUP METROPOLITAN
ASSAM
PIN- 781036.

4:THE MARRIAGE REGISTRAR
KAMRUP MERTOPOLITAN
HENGRABARI
GUWAHATI
DISTRICT-KAMRUP METROPOLITAN
ASSAM
PIN- 781036

Advocate for the Petitioner : MR S R A NASER, MR S AHMED, SAIDUL ROHMAN

Advocate for the Respondent : GA, ASSAM, SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 26.03.2026

Heard Mr. S Rahman, learned counsel for the petitioner. Also heard Ms. N Bordoloi, learned standing counsel, Department of Revenue & Disaster Management, Assam, and Mr. H Sarma, learned Addl. Senior Government Advocate appearing for their respective respondents.

2. The petitioners, in the present writ petition, have raised a grievance, with regard to the non-registration of their marriage, under the provisions of the Special Marriage Act, 1954. The petitioners have urged that the Marriage Registration Officer, had laid down the condition that both the parents of the bride and the bride-groom are required to come to the office for giving their consent, for the approval of the application. It is projected that the said requirement made by the Marriage Registration Officer is contrary to the provisions of the Special Marriage Act, 1954 and such requirement is also made beyond the powers conferred on a Marriage Registration Officer.

3. Mr. S Rahman, learned counsel for the petitioner submits that no objections, with regard to the marriage between the petitioners, have been raised before the Marriage

Registration Authority, by any person. It is also submitted that under the provisions of the Special Marriage Act, 1954, there is no requirement of the presence of the parents of the bride and the bride-groom during the solemnization of their marriage.

4. In view of the above position, Mr. H Sarma, learned Addl. Senior Government Advocate submits that he would receive instructions in the matter.

5. Issue notice returnable by 4 (Four) weeks.

6. Ms. N Bordoloi, learned standing counsel, Department of Revenue & Disaster Management, Assam, accepts notice on behalf of respondent no. 1 while Mr. H Sarma, learned Addl. Senior Government Advocate accepts notice on behalf of respondent no. 2, 3 & 4. Since all the respondents have been represented, no formal notice is required to be issued. However, extra copies, requisite in numbers, be furnished to the learned counsel for the respondents within 2 (Two) working days.

7. Registry to list this matter on 27.04.2026, on which date H Sarma, learned Addl. Senior Government Advocate, shall complete his instructions in the matter and apprise this Court about the provisions of law, under which the Marriage Registration Officer had required the presence of parents of both the bride and the bride-groom and for submitting their consent for the purpose of registration of the marriage between the petitioners, herein.

JUDGE

Comparing Assistant