



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

S.B. Civil Writ Petition No. 5944/2022

Lunavath Veeranna & Anr.

-----Petitioner

Versus

Union Of India & Ors.

-----Respondent

For Petitioner(s) : Mr. Pradeep Singh Khichi

HON'BLE MR. JUSTICE VIJAY BISHNOI

Order

05/05/2022

Learned counsel for the petitioners has submitted that both the petitioners are major and at present residing at Jodhpur.

The grievance of the petitioners is to the effect that they gave a notice of intended marriage under Section 5 of the Special Marriage Act, 1954 (hereinafter to be referred as 'the Act of 1954') to the respondent No.3 - District Collector, Jodhpur, however, the said authority is insisting them for publication of notice under Section 6 of the Act of 1954.

Learned counsel for the petitioners has placed reliance on the decision dated 12.01.2021 rendered by the Allahabad High Court at Lucknow Bench in ***Safiya Sultana & Anr. Vs. State of Uttar Pradesh & Ors.*** reported in ***AIR 2021 Allahabad 56*** and argued that the Allahabad High Court has already held that the requirement of publication of notice under Section 6 of the Act of 1954 is directory in nature and to be given effect only on request of the parties to the intended marriage and not otherwise.



Issue notice. Issue notice of stay petition as well, returnable on 12.05.2022.

Learned counsel for the petitioners is free to supply the copy of the writ petition to the learned counsel usually appearing for the respondents in the matter.



Abhishek Kumar
S.No.192

(VIJAY BISHNOI),J



सत्यमेव जयते