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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.104 OF 2024

RAE MARTIN AND ANR.

... Petitioners

Versus

STATE OF GOA THR
CHIEF SECRETARY AND 2 ORS.

... Respondents

Mr S.D. Lotlikar, Senior Advocate with Mr T. Sequeira, Advocate *for the Petitioners.*

Mr D. Pangam, Advocate General with Mr Geetesh Shetye, Additional Government Advocate *for the Respondent-State.*

**CORAM: M.S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATED: 31st January 2024

ORAL ORDER (*Per M.S. Sonak, J.:*)

1. Heard Mr S.D. Lotlikar learned Senior Advocate, who appears along with Mr T. Sequeira for the Petitioners. Learned Advocate General appears along with Mr Shetye, learned Additional Government Advocate for the Respondents.

2. The Petitioners applied for a writ of mandamus to the 3rd Respondent for issuance of a certified copy of his marriage certificate based upon registration in the Church at Thivim. The Petitioners also annexed along with the petition, copies of the marriage certificate issued to the Petitioners

by the Civil Registration Services of Goa certifying that the Petitioners' marriage was registered against Entry No.7/1991 or 7/1992. Copies of such certificates have also been enclosed along with the petition.

3. The Registrar, by communication dated 10.02.2023 informed the Petitioners that no marriage certificate could be issued because the Registration No.7/1991 does not pertain to the Petitioners' marriage.

4. Petitioner, without prejudice, by application dated 03.04.2023 applied for registration of the marriage. In this communication, the Petitioner stated that he has now learnt that the Church had erroneously not submitted his certificate to the Sub-Registrar, Mapusa due to which the marriage is not found registered on the relevant book of registration of marriage in the office of the Sub-Registrar.

5. Petitioners have placed on record some correspondence which suggests the inability expressed by the office of the Sub-Registrar to either issue any certificate or to register the marriage on reconstructing the register or otherwise. It is at this stage that the Petitioners instituted this petition in this Court.

6. Learned Advocate General has produced for our perusal the original register maintained in the office of the Sub-Registrar and submitted that the marriage of the Petitioners is not found registered. He submits that it is quite mysterious how any certificates were issued by the Civil Registration Services of Goa or the Sub-Registrar's office. He says that this matter will be inquired into.

7. Learned Advocate General, in any case submits that if the Petitioners

produce a certified copy of the extract of the marriage register maintained by the Thivim Church where the Petitioners claimed that their marriage was solemnized on 26.12.1991, the marriage will be registered by the Sub-Registrar and based upon such registration, a certificate would be issued.

8. Mr Lotlikar submits that a certified copy of the extract from the Church Marriage Register is already produced. If this is so, then, the Sub-Registrar, consistent with the submission made by the learned Advocate General, must process the same and issue the necessary certificate and register the marriage. Upon registration, the Sub-Registrar must issue the necessary marriage certificate. All these exercises must be completed within 15 days from today.

9. The Petitioners undertake to pay the necessary fees in the office of the Sub-Registrar. Mr Lotlikar states that the Petitioners will continuously follow up on the matter with the Sub-Registrar's office and there will be no delay in payment of fees or compliance with any other formalities that may be necessary.

10. The petition is disposed of in the above terms with no order for costs. All concerned to act on an authenticated copy of this order.

VALMIKI SA MENEZES, J.

M.S. SONAK, J.