

ITEM NO.28

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 1011/2022

SUPRIYO @ SUPRIYA CHAKRABORTY &amp; ANR.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION )

WITH

W.P.(C) No. 1020/2022 (PIL-W)

(FOR ADMISSION and IA No.176659/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 25-11-2022 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Saurabh Kirpal, Sr. Adv.  
Ms. Tahira Karanjawala, Adv.  
Ms. Niharika Karanjawala, Adv.  
Mr. Vardaan Wanchoo, Adv.  
Mr. Shreyas Maheshwari, Adv.  
Mr. Ritwik Mohapatra, Adv.  
For M/S. Karanjawala & Co., AOR

Mr. Neeraj Kishan Kaul, Sr. Adv.  
Dr. Menaka Guruswamy, Sr. Adv.  
Ms. Arundhati Katju, Adv.  
Ms. Priya Puri, AOR  
Mr. Govind Manoharan, Adv.  
Mr. Dhruv Sharma, Adv.  
Mr. Toshiv Goyal, Adv.  
Mr. Raghav Agrawal, Adv.  
Mr. Yash S. Vijay, Adv.  
Mr. Utkarsh Pratap, Adv.  
Ms. Shristi Borthakur, Adv.

Ms. Ritika Meena, Adv.  
Mr. Ranjay Dubey, Adv.  
Mr. Rishabh Sharma, Adv.

**For Respondent(s)**

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

- 1 A Writ Petition invoking Article 226 of the Constitution<sup>1</sup> has been filed before the High Court of Kerala on the same subject. On 21 November 2022, the following order was passed by the Single Judge of the High Court :-

“Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct Respondents Nos. 2-6 and all authorities thereunder or their agents acting under them, directing them to accept and process the Notice to be given by the Petitioners under Section 5 of the Special Marriate Act, 1954, pending final disposal of this writ petition.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. GEORGE VARGHESE (PERUMPALLIKUTTIYIL), A.R. DILEEP, P.J. JOE PAUL, MANU SRINATH & RAJAN G. GEORGE, Advocates for the petitioners, DEPUTY SOLICITOR GENERAL for R1 and of STATE ATTORNEY for R2 to R6, the court passed the following:

Learned Deputy Solicitor General submits that similar matters are pending before the High Court of Delhi and the Ministry is taking steps to get all the writ petitions, including the instant case, transferred to the Hon’ble Supreme Court.”

- 3 The above order indicates that the Union Government made a statement before the High Court through the Deputy Solicitor General that the Ministry was taking steps to get all the writ petitions, including the writ petition before the High Court of Delhi, transferred to this court.
- 4 We have heard Mr Mukul rohatgi, Mr Neeraj Kishan Kaul and Dr Menaka
- 1 Writ Petition (Civil) No. 2186 of 2020

Guruswami, senior counsel together with Mr Saurabh Kumar and Ms. Arundhati Katju, counsel appearing on behalf of the petitioners.

- 5 A list of petitions pending before various courts on the same subject has been tendered during the course of the hearing and is extracted below:-

**“LIST OF PENDING MATTERS BEFORE HIGH COURTS FOR RECOGNITION OF SAME SEX MARRIAGE UNDER VARIOUS MATRIMONIAL STATUTES”**

	<b>CAUSE TITLE</b>	<b>CASE PARTICULARS</b>	<b>STATUTE CHALLENGED</b>
<b>HIGH COURT OF KERALA</b>			
1.	Nikesh PP & Anr. vs. UOI & Anr.	W.P.(C) 2186/2020	Special Marriage Act
<b>HIGH COURT OF DELHI</b>			
2.	Abhijit Iyer Mitra & Ors. v. UOI & Anr.	W.P.(C) 6371/2020	Hindu Marriage Act
3.	Vaibhav Jain & Anr. v. UOI & Anr.	W.P.(C) 7657/2020	Foreign Marriage Act
4.	Dr. Kavita Arora & Anr. v. UOI & Anr.	W.P.(C) 7692/2020	Special Marriage Act
5.	Udit Sood & Ors. & Anr. v. UOI & Anr.	W.P.(C) 2574/2021	Special Marriage Act
6.	Joydeep Sengupta & Ors. v. Ministry of Home Affairs & Ors.	W.P.(C) 6150/2021	Foreign Marriage Act, Special Marriage Act and Citizenship Act
7.	Nibedita Dutta & Anr. v. UOI & Anr.	W.P.(C) 13528/2021	Hindu Marriage Act
8.	Zainab Patel v. UOI & Anr.	W.P.(C) 13535/2021	All Matrimonial Laws
9.	Mellissa Ferrier & Anr. v. UOI & Ors.	W.P.(C) 13206/2021	-”

- 6 Issue notice returnable on 6 January 2023.
- 7 Liberty to serve the Central Agency.
- 8 Notice shall also be issued to the Attorney General for India, in addition.

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**