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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
WP No. 26227 of 2021**

(RAHUL ALIAS GOLU Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 16-06-2022

Shri Suresh Agrawal, learned counsel for the petitioner.

Shri M.P.S. Raghuvanshi, learned Additional Advocate General with Shri Devendra Choubey, learned Government Advocate for State.

Shri Balwant Singh Billowria, learned counsel with Shri Prabhat Kumar Singh, learned counsel for respondent No.6.

Following serious issues arise to address:-

1. Whether a self styled Trust allegedly registered as Arya Samaj Vivah Mandir Trust can solemnize marriage between a Hindu boy and a Muslim girl?
2. Whether the said Trust has authority in law to issue marriage certificate?
3. Whether the said Trust in its aims and objects can indulge in such activities?
4. Whether the bylaws of the alleged Trust are duly ratified by the Registrar Public Trust or either under any Public Trust Act or other Act as the document doesn't reflect so ?
5. Whether on a mere declaration on affidavit or a notarized affidavit the Trust can convert religion of a Muslim girl as Hindu ?
6. Whether respondent No.6 is competent to issue a certificate of conversion as reflected from page 19 of the compilation.

7. Whether the alleged Arya Samaj Vivah Mandir Trust can accept such affidavit without verification and issue a certificate of marriage between the petitioner and Ms. Hina Khan daughter of Shri Istayak Khan endorsing conversion ?

8. Whether the affidavit of Ms. Hina Khan, resident of House No.34, Ward No.9, Mohalla Pichhore Shivpuri (M.P.) allegedly sworn before the President/Secretary Arya Samaj Vivah Mandir Trust Ghaziabad has evidentiary value as regards conversion from Muslim community to Hindu community and vice versa?

9. Whether the alleged Arya Samaj Vivah Mandir Trust by itself can be held to be an Arya Samaj Mandir which is solely for the purposes of solemnization of marriage having no affiliation or permission by the State/National body of the Arya Samaj Mandir?

10. Whether the aforesaid act of seeking declaration of conversion of Ms. Hina Khan from Muslim community to Hindu community and thereafter solemnization of marriage with petitioner tantamounts to an illegal activity which may have severe penal consequences?

11. Whether such kind of vulnerable activity of so called Arya Samaj Mandir has serious impact on public order disturbing social fabric of the society ?

12. Whether an extensive inquiry by a senior police official is warranted into the conduct and affairs of the aforesaid alleged Arya Samaj Vivah Mandir Trust Ghaziabad as the vulnerability of the alleged Act of conversion of the marriage is well

evident from the fact that the petitioner and Ms. Hina Khan, residents of Shivpuri are said to have solemnized the marriage in Ghaziabad (U.P.) and there is no identification or verification of their status by known persons?

At this stage, this Court hereby appoints Shri Faizal Ali Shah, a prominent Advocate of this Court to assist this Court in the context of aforesaid questions with relevant literature and recitals of holy Kuran.

Shri M.P.S. Raghuvanshi, learned Additional Advocate General referring to an order dated 30.05.2022 passed by the Division Bench of the Allahabad High Court in **Criminal Misc. Writ Petition No.5180 of 2022** delivered by Hon'ble Shri Justice Ashwani Kumar Mishra & Hon'ble Shri Justice Rajnish Kumar (Court Room No.44), contends that similar types of vulnerable activities have been taken note of by the Allahabad High Court and high level inquiry has been ordered in the context of solemnization of marriages by such so called Arya Samaj Vivah Mandirs.

Shri Raghuvanshi submits that situation is also alarming in Madhya Pradesh as hundreds of indiscriminate marriage certificates are being issued to young boys and girls by such marriage shops on payment of huge amount without verification of their age and identities. No record is maintained. Therefore, this Court may also consider to appoint a high level police inquiry into the affairs of the instant Arya Samaj Vivah Mandir Trust/respondent No.6.

This Court defers the hearing at the instance of counsel for respondent No.6 Shri Balwant Singh Billowria, who prays for time to seek instructions.

All parties to the *lis* are free to file documents etc., if any, before the next date of hearing.

The Registry is directed to supply complete set of writ petition

No.26227/2021 to Shri F.A. Shah, Advocate enabling him to assist this Court as amicus curiae.

List this case for further orders on **28.07.2022**.

Respondent No.6 shall remain present in person before this Court on the next date of hearing.

(ROHIT ARYA)
JUDGE

(MILIND RAMESH PHADKE)
JUDGE

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