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WP-28645-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

&

HON'BLE SMT. JUSTICE ANURADHA SHUKLA

ON THE 12th OF AUGUST, 2026

WRIT PETITION No. 28645 of 2026

IN RE. SUO MOTO WRIT PETITION 26269/2026

Versus

RAGHVENDRA SAMADHIYA NOTARY PUBLIC DATIA

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Appearance:

Shri G.K. Agrawal - Govt. Advocate for State.

Shri Jitendra Sharma - Sr. Advocate, assisted by Shri Ankur Maheshwari and Shri Satya Pal Solanki - Advocates for respondent.
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ORDER

Per. Justice Gurpal Singh Ahluwalia

This petition was registered in Suo Moto exercise of power under Article 226 of Constitution of India.

2. The facts necessary for disposal of present petition, in short, are that W.P. No. 26269/2026 was filed in the nature of habeas corpus alleging that wife of petitioner is in illegal detention of Respondent No. 3, who was the father of corpus. On 13.07.2026, corpus appeared before this Court and made a statement that they went to District Court, Datia for court marriage and there one Advocate obtained their signatures on certain papers and informed that now their marriage has been performed. The case diary was produced and it was found that in the case diary, one document titled as "विवाह वाद विवाह के पंजीयन बावत लिखतम" was there. It was a notarized docuemnt notarized by



Shri Raghvendra Samadhiya, Notary Public. Accordingly, this Court, after taking note of office memorandum dated 10.10.2024 issued by Government of India, Ministry of Law and Justice, Department of Legal Affairs (Notary Cell), as well as judgments passed by this Court in various cases held that Notary has no jurisdiction to execute any document to give a false impression in mind of aspirants that court marriage has been performed and Notary cannot act as Marriage Officer. Accordingly, notice was issued to Shri Raghvendra Samadhiya.

3. Shri Samadhiya appeared before this Court on 28.07.2026 and accepted his mistake. It was his contention that by mistake, a document pertaining to marriage of corpus and boy was executed. It was also stated that he was aware of the office memorandum issued by Central Government and he has no authority to act as Marriage Officer.

4. At that time, Shri Jitendra Sharma prayed for time to file reply.

5. Accordingly, today, a written reply has been filed vide Document No. 13096/2026 which reads as under:

"REPLY/ AFFIDAVIT ON BEHALF OF THE RESPONDENT

May it please this Hon'ble Court;

The humble respondent most respectfully submits as under:-

- 1) That, in pursuance to the order dated 13.07.2026 passed by this Hon'ble Court in writ petition no. 26269/2026, the present petition has been registered in suo moto reference directing the respondent to file reply of show cause notice dated 17.07.2026 issued by the registry.
- 2) That, at the outset, the respondent/deponent sincerely submits unconditional apology for the mistake committed by him in notarizing document (विवाह वाद विवाह के पजीयन बावत लिखतम) dated 27.06.2026 produced by the parties before me and I most respectfully undertakes before this Hon'ble Court that he will never repeat such mistake in future.
- 3) That, the law is well settled that notary appointed under the law neither a marriage officer nor registering authority of the marriage and even not an authority to notarized the document related to divorce. Due to misunderstanding the answering respondent/deponent notarized the aforesaid document dated 27.06.2026. Now after going through the law related to be function of the notary the respondent/deponent has remain with no any doubt that the aforesaid document dated 27.06.2026 has been



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notarized by him mistakenly. As such with full conscious the answering respondent/deponent most respectfully submits undertaking before this Hon'ble Court that he will never repeat such mistakes in future.

PRAYER:

In view of the aforesaid reply/ affidavit, the mistake committed by the answering respondent/deponent in notarizing the aforesaid document dated 27.06.2026 may kindly be condoned as last mistake on my part and the present proceeding may kindly be dropped in the interest of justice.

Place : Gwalior
Date :12.08.2026

Humble Respondent

Through Counsel

Smt. Chanchal Sharma
Advocate

AFFIDAVIT

I, Raghvendra Samadhiya, S/o Late Shri Shiv Kumar Samadhiya, Aged — 60 Years, Occupation;— Advocate,

R/o Guru Nanak Colony, Datia (M.P.), deponent do hereby solemnly state as under-

1. That, I am the respondent in the present matter and well conversant with the facts of the case.
2. That, I have filed the reply/affidavit which has been got prepared by my counsel under my instructions and I am fully authorized to do so being the respondent. I have gone through the vernacular thereof and fully understood the contents thereof.
3. That, the submissions made in the said reply are read over before me in Hindi and contents therein are true and correct to my personal knowledge.

Place: Gwalior
Dated 12.08.2026

VERIFICATION

I, the above named deponent do hereby verify on Oath that the contents of the above affidavit vide paragraphs 1 and 3 are true and correct to my personal knowledge, nothing is concealed therein and no part thereof is false.

Verified on 12 day of Aug, 2026 at Gwalior."

6. It was prayed by Shri Raghvendra Samadhiya that he may be pardoned for the illegal act which he has committed and also gave an undertaking that he will never repeat such mistake in future.

7. It was submitted by Shri Jitendra Sharma - Sr. Advocate with Shri Satya Pal Solanki - Advocate and Shri Ankur Maheshwari - Advocate that one more opportunity may be given to Shri Raghvendra Samadhiya to prove



that the undertaking which he has given before this Court was from the bottom of his heart and has not been given to get rid of the present situation.

8. Shri Samadhiya also appeared in persona and submitted that he has committed a mistake which has been accepted by him and assured that no such mistake will be repeated in future. It is further submitted by Shri Samadhiya that in order to show his bona fide, he is ready to contribute Rs. 2,00,000/- for the welfare of the lawyers and he also submitted that he would install a display board at the place of his work that the marriage affidavits cannot be notarized by a Notary and they are not permissible.

9. Considered the submissions made by counsel as well as Shri Raghvendra Samadhiya.

10. Committing a mistake is not a sin, but repeating the same will be a sin. There should not be any hatred towards a sinner, but hatred should be for the sin. Shri Samadhiya has accepted his mistake not only today but on 28.07.2026 also. Whether that acceptance is from the bottom of his heart or it is superficial cannot be adjudicated in these proceedings because that can be ascertained from his future conduct. Furthermore, Shri Samadhiya has also agreed to affix a display board at the place of his working that notarization of any marriage document is forbidden in law and that cannot be done and has also agreed to contribute Rs. 2,00,000/- for the welfare of the Bar. Therefore, this Court is of considered opinion that another opportunity can be given to Shri Samadhiya.

11. Accordingly, by accepting his apology, it is directed that before resuming the work of notary, Shri Samadhiya shall affix a board displaying



that notarization of any document pertaining to performance of marriage will not be done. Shri Samadhiya also undertakes to deposit the cost of Rs. 2,00,000/- in the Registry of this Court before resumption of his notary work, i.e., latest by Monday (17.08.2026). The cost deposited by Shri Raghvendra Samadhiya will be utilized by the High Court Bar Association, Gwalior for the betterment of services in the Bar Association.

12. It is made clear that any effort to notarise any document prior to deposit of cost shall be treated as utter defiance of this order and he shall be permanently restrained from performing the duty of the Notary.

13. The register of Shri Samadhiya, which was sealed on 28.07.2026, has been returned back and Shri Samadhiya has also made an endorsement in the register after the last entry that the work of notary had remained under suspension by order dated 28.07.2026 passed by this Court in W.P. No. 28645/2026.

14. Under these circumstances, proceedings, which were initiated against Shri Samadhiya, are hereby **dropped**.

15. It is submitted by Shri Jitendra Sharma, who is also a member of Bar Council of India, that a letter will also be circulated to all Notaries reproducing the office memorandum issued by Government of India, Ministry of Law and Justice, Department of Legal Affairs (Notary Cell) on 10.10.2024, by which Notaries have been restrained from executing marriage/divorce deeds so that every Notary can be informed about the limitations on their jurisdiction and every Notary will be requested that they should not execute any document in utter violation of office memorandum



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issued by Government of India, Ministry of Law and Justice, Department of Legal Affairs (Notary Cell). The gesture shown by Bar Council of India is in consonance with law and for the protection of innocent aspirants who go to the Court under the hope and belief that they will get the court marriage performed.

16. With a word of appreciation for the suggestion given by Shri Jitendra Sharma, this writ petition is **disposed of**.

(G. S. AHLUWALIA)
JUDGE

(ANURADHA SHUKLA)
JUDGE

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