

S/L 6
28.07.2026
Court. No. 25
sourav

WPA 3005 of 2026

Jahir Abbas Molla
Vs.
The State of West Bengal & Ors.

Ms. Sabnam De
Mr. Noor Islam Seikh

...for the petitioner.

Mr. Rajen Dutta
Ms. Sutapa Upadhyay

...for the State.

Ms. Chaitali Bhattacharyya

...for the respondent no. 8.

1. The matter is listed today under the heading “To Be Mentioned” as per the mentioning list submitted by the learned counsel for the petitioner dated July 20, 2026. In the mentioning list the reason is mentioned for the urgency hearing/upgradation is as follows:

“Urgency for the hearing/upgradation

May it please Your Lordships, the petitioner is a daily wage labourer who has recently suffered grievous injuries at the hands of miscreants allegedly sent by his own wife. He was brutally assaulted and is presently undergoing treatment. Despite being the victim of such a violent attack, a warrant of arrest has been issued against him in connection with a case instituted at the behest of his wife. The petitioner is in no condition to surrender or participate in proceedings at this stage, and the issuance of the warrant has caused grave prejudice to him. In such exceptional and urgent circumstances, it is most humbly prayed that the matter be permitted to be mentioned for urgent listing and appropriate protection of the petitioner’s right.”

2. Today when the matter is called, this Court finds that what is the reason mentioned in the mentioning list is totally different from the prayer made in the writ application. The petitioner has prayed for following relief in the prayer 'a' to 's', which is as follows:

- a) *"Issue a writ of Mandamus commanding the respondent nos. 1 and 2, being the Principal Secretaries of the Judicial Department and the Law Department respectively, Government of West Bengal, to ensure strict and faithful implementation of the provisions of the Bengal Muhammadan Marriages and Divorces Registration Act, 1876 and the Rules framed thereunder, and to restrain any appointment, transfer or recognition of Mohammadan Marriage Registrars beyond their notified territorial jurisdiction;*
- b) *In the alternative, and in view of the admitted lack of territorial jurisdiction of the private respondent no. 7, the long delay since 2021, and the petitioner being the only eligible candidate within the competent territorial jurisdiction, the Hon'ble Court may be pleased to direct the respondent authorities to appoint the petitioner as Mohammadan Marriage Registrar for Kalitala-Ashuti Police Station area within a time-bound period.*
- c) *Issue a writ of Certiorari quashing and setting aside all actions, decisions, communications, approvals and continuations whereby the private respondent no. 7, Md. Habibullah Khan, has been appointed, transferred, recognised and/or permitted to function as Mohammadan Marriage Registrar in respect of Kalitala-Ashuti Police Station area, District South 24 Parganas, such actions being wholly without jurisdiction, illegal and void ab initio;*

d) Pending disposal of the writ petition, Your Lordships may be pleased to direct that the appointment/recognition of the private respondent no. 7 shall remain in abeyance and that no further action be taken pursuant thereto within the territorial jurisdiction of Kalitala Ashuti Police Station area.

e) Issue a writ of Mandamus directing the respondent no. 3, the Inspector General of Registration and Commissioner of Stamp Revenue, Government of West Bengal, to withdraw, rescind and cancel Memo No. 835-L/LW/O/1C-40/2024 dated 17.05.2024, along with all consequential actions taken pursuant thereto in favour of the private respondent no. 7 in respect of Kalitala Ashuti Police Station area;

f) Issue a writ of Certiorari quashing and setting aside the letter bearing No. 1243-L(St.)/LW/O/St./4M-23/2025 dated 09.10.2025, issued by the Special Law Officer and ex-officio Deputy Secretary (Law), Government of West Bengal, whereby the Petitioner application was rejected on the purported and erroneous ground that the post was not vacant;

g) Issue a writ of Mandamus directing the respondent nos. 1 to 4 to consider, decide and dispose of the Petitioner application dated 11.03.2025 for appointment as Mohammadan Marriage Registrar in respect of Kalitala-Ashuti Police Station area, District South 24 Parganas, strictly in accordance with law and within a time-bound period;

h) Issue a writ of Mandamus directing the respondent nos. 1 to 4 to give full, meaningful and effective implementation to paragraph 9 of the order passed in WPA No. 27415 of 2023, and to ensure that no appointment, continuation or recognition is permitted in violation thereof;

- i) *Issue a writ of Mandamus directing the respondent nos. 3, 4 and 5 to correct, rectify and amend all official records , registers and files relating to Mohammadan Marriage Registrars by deleting the name, recognition and authority of the private respondent no. 7 in respect of Kalitala-Ashuti Police Station area;*
- j) *Issue a writ of Mandamus directing the respondent authorities to act upon and give due effect to the disclosures made under the Right to Information Act, 2005, which disclose the absence of territorial and statutory jurisdiction in respect of the private respondent no. 7;*
- k) *Pass an order restraining the private respondent no. 7 from functioning, acting or holding himself out as Mohammadan Marriage Registrar within the Kalitala-Ashuti Police Station area, District South 24 Parganas, pending disposal of the writ petition;*
- l) *Pass an order restraining the respondent nos. 1 to 5 from permitting, recognising or giving effect to any registration of Muhammadan marriages or divorces by the private respondent no. 7 within the Kalitala-Ashuti Police Station area;*
- m) *Pass an order directing the respondent nos. 1 to 4 consider initiation of appropriate departmental proceedings against officials responsible for facilitating enabling or continuing actions dehors the statute and contrary to territorial jurisdiction;*
- n) *Pass an order declaring that any registration of Muhammadan marriage or divorce undertaken by the private respondent no. 7 within the Kalitala-Ashuti Police Station area is illegal, unauthorised and non est in the eye of law;*
- o) *Pass an order declaring that the petitioner is entitled to lawful consideration for appointment as Mohammadan Marriage*

Registrar within the competent territorial and statutory jurisdiction, in accordance with law;

p) Pass and order directing the respondent nos. 1 to 4 to produce before this Hon'ble Court all records, files, noting sheets and correspondence relating to appointment, transfer, jurisdiction and functioning of Mohammadan Marriage Registrars in respect of Kalitala-Ashuti Police Station area;

q) Grant interim protection in terms of prayers (i), (j) and (g) above;

r) Award costs of and incidental to this application in favour of the petitioner;

s) Pass such further or other order or orders as this Hon'ble Court may deem fit and proper."

3. Considering the reasons mentioned in the mentioning list and the prayer, this Court finds that only to upgrade the case in the cause list the petitioner has wilfully and deliberately mentioned the said reasons though that reasons are not connected with this writ application.
4. This Court finds that the petitioner has misled this Court only for the purpose of upgrade the matter for urgent hearing. Accordingly, the writ petition being **WPA 3005 of 2026** is dismissed with the cost of Rs. 10,000/-. The amount of Rs. 10,000/- be paid to the High Court Legal Aid Services Authority within a period of one week from date.

(Krishna Rao, J.)