

GAHC010091592023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1114/2023

MANZIL HUSSAIN
S/O- MD. ISSAHAR ALI
PERMANENT R/O- VILL- KUWARIJAN
P.O. GANESH KUWARI
P.S. SIPAJHAR
DIST.- DARRANG
PIN- 784145
ASSAM
PRESENTLY RESIDING AT H.NO. 1
ROSE LANE
NOWAPARA SATGAON
BAGHARBORI SATGAON ROAD
P.O. PANJABARI
P.S. SATGAON
DIST.- KAMRUP (M)
GUWAHATI
ASSAM
PIN- 781037

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
DEPTT. OF REVENUE REGISTRATION
DISPUR
GUWAHATI
PIN- 781006

2:THE REGISTRAR-CUM-DEPUTY COMMISSIONER
GOLAGHAT
ASSAM

3:THE MUSLIM MARRIAGE AND DIVORCE REGISTRAR

GOLAGHAT
ASSAM
4:SAMIMA ABDUR ATIQ
D/O- ABDUR RAHMAN
C/O- ASSISTANT COMMISSIONER OF TAXES
JORHAT UNIT
JORHAT ENGINEERING COLLEGE ROAD
JORHAT
ASSAM- 785001

Advocate for : MR F KHAN
Advocate for : SC
REVENUE appearing for THE STATE OF ASSAM AND 3 ORS.

Linked Case : WP(C)/1959/2023

MANZIL HUSSAIN
S/O- MD. ISSAHAR ALI

PERMANENT RESIDENT OF- VILLAGE- KUWARIJAN

P.O.- GANESH KUWARI

P.S.- SIPAJHAR

DIST.- DARRANG
PIN- 784145

ASSAM.
PRESENTLY RESIDING AT- HOUSE NO.1
ROSE LANE

NOWAPARA SATGAON

BAGHARBORI SATGAON ROAD

P.O.- PANJABARI
P.S. SATGAON

DIST- KAMRUP(M)
ASSAM

PIN- 781037.

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THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM

DEPARTMENT OF REVENUE REGISTRATION

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JORHAT UNIT
JORHAT ENGINEERING COLLEGE ROAD
JORHAT
ASSAM-785001

Advocate for : MR F KHAN

Advocate for : SC

REVENUE appearing for THE STATE OF ASSAM AND 3 ORS

BEFORE

THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

15.03.2024

1. Heard Mr. A Mena, learned counsel for the petitioner. Also heard Mr. SRA Naser, learned counsel for the respondent No. 3 in WP(C) 1959/2023, Ms. PP Mahanta, learned counsel for the respondent No. 1 and Ms. S Baruah, learned counsel for the respondent No. 2 in WP(C) 114/2023 and Mr. J Hussain, learned counsel for the respondent No. 4 in both the writ petitions.
2. WP(C) 1114/2023 was preferred by the petitioner assailing a notice dated 07.03.2023 issued by the respondent No. 3 on the request of respondent No. 4.

The grievance of the petitioner is that at the behest of respondent No. 4, who is the wife of the petitioner, the respondent No. 3 has issued the notice to the petitioner to appear before the respondent No. 3, who is a Kazi for the purpose of 'Khula Talak'. It is the case of the petitioner that the respondent No. 3 is having no sanction and authority under law to issue such a notice.

3. This court having prima-facie satisfaction stayed such notice by its order dated 01.03.2023. Even after such interim order, yet another notice was issued by the respondent No. 3 asking the petitioner to appear before the respondent No. 3 for the purpose of determination of 'Khula Talak'. Such notice was challenged in WP(C) 1959/2023 and the Cont(C) Case No. 234/2023 was filed against the respondent No. 3.
4. While the matter is taken up today, the learned counsel for the respondent No. 3 submits that the notices have been withdrawn and cancelled and it is further submitted by the learned counsel for the respondent No. 3 that the respondent No. 3 admits that he will have no jurisdiction to exercise his power to grant a 'Khula Talak' by issuing notice as has been done. Accordingly, it is the case of the respondent No. 3 that the proceeding for 'Khula Talak' has been closed.
5. The learned counsel for the respondent No. 4 wife also submits that she has also decided to take recourse by filing divorce proceeding before the competent court and not agitating her grievance before the Kazi.
6. That being the position, nothing survives to be adjudicated in these present writ petitions.
7. Accordingly, same stands closed.
8. This closure shall not bar the petitioner to approach once again this court if the respondent No. 3 initiates fresh proceeding of 'Khula Talak'.

JUDGE

Comparing Assistant