

GAHC010155722018



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

Case No. : WP(C)/6117/2018

NURUL ISLAM AND 3 ORS.
MUSLIM MARRIAGE REGISTRAR AND KAZI, BAHARI BAZAR, P.O.
BAHARIHAT, DIST- BARPETA, ASSAM

2: NARUL AKHTAR
KAZI AND MUSLIM MARRIAGE REGISTRAR
BARPETA SADAR
P.O. BARPETA
DIST- BARPETA
ASSAM

3: ABDUL KAFI MIA
MUSLIM MARRIAGE REGISTRAR AND KAZI
SORBHOG
P.O. SORBHOG
DIST- BARPETA
ASSAM

4: MAINUL HOQUE
S/O- NAYEB ALI
VILL- PANIMORISA PATHAR
P.O. NALIGAON
MOUZA- PACA
DIST- BARPETA
ASSAM
PIN- 78135

VERSUS

THE STATE OF ASSAM AND 4 ORS.
THROUGH THE SECY. TO THE GOVT. OF ASSAM, REVENUE
(REGISTRATION) DEPTT., DISPUR, GHY-6

2: THE INSPECTOR GENERAL OF REGISTRATION

ASSAM
RUPNAGAR
GHY-32

3:THE DISTRICT REGISTRAR CUM DY. COMMISSIONER
BARPETA
DIST- BARPETA
ASSAM
PIN- 781301

4:THE SUB REGISTRAR
BARPETA
P.O. AND P.S. BARPETA
DIST- BARPETA
ASSAM
PIN- 781301

5:MD. ABDULLAH KHAN
S/O- LT LUTFUR RAHMAN KHAN
VILL- GOMAFULBARI
P.O. FULBARI
P.S. TARABARI
DIST- BARPETA
ASSAM
PIN- 78130

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

30.07.2024

Heard Mr. M.H. Ahmed, learned counsel for the petitioners. Mr. J. Handique, learned counsel appears for the respondent Nos. 1-4, while Mr. M.U. Mahmud, learned counsel appears for the respondent No.5.

2. The petitioners herein are government Kajis, who are aggrieved by the

activities of the respondent No.5, who is a registered Kaji under the Act. The grievance of the petitioners is that the respondent No.5 has got defined jurisdiction over the villages of Pacca Betbari Mouza, Part of Bhabanipur Mouza and part of Pacca Betbari Mouza in the district of Barpeta, within which he is required to discharge his duties. However, he has appointed agents in various parts of the state of Assam, who are conducting marriages beyond his jurisdiction.

3. On the other hand, the stand of the respondent No.5 is that the petitioners are doing work beyond their jurisdiction. The respondent No.5 also denies the allegations made by the petitioners.

4. The counsels for the respondents submit that the present case has become infructuous, in view of the repeal of the Assam Moslem Marriages and Divorces Registration Act, 1935 (hereinafter referred to as the 'Act'), vide Notification No.LGL.13/2024/8 dated 16.03.2024 issued by the Secretary to the Government of Assam, Legislative Department. They submit that in view of the repeal of the Act, there are no more registered government Kajis to discharge duties under the Act.

5. Mr. J. Handique, learned counsel for the respondent Nos.1-4 has produced Notification dated 16.03.2024 published in the Assam Gazette, which is the Assam Repealing Ordinance, 2024, which has repealed the Assam Moslem Marriages and Divorces Registration Act, 1935.

6. In view of the above Ordinance, there is nothing left to adjudicate in the matter at this stage.

7. Accordingly, the writ petition is closed due to the repeal of the Assam Moslem Marriages and Divorces Registration Act, 1935, vide the Assam Repealing Ordinance, 2024. It is needless to add that if a new/fresh cause of action arises, the petitioner may agitate the issue afresh.

8. The Notification dated 16.03.2024 is made a part of the record and marked as Annexure-X.

JUDGE

Comparing Assistant