

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 04/02/2019

C O R A M
THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.26183 of 2018
and
M.P.No.30409 of 2018

S. Hussain Afroze

...Petitioner

Vs

The Union of India
rep. By its Secretary
Ministry of Law & Justice
4th Floor, A Wing
Shastri Bhawan, New Delhi.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of declaration to declare Clause 4 to 7 of the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018; Ordinance No.7 of 2018, as ultra vires of the Constitution of India.

For petitioner ... Mr.T.Mahendiran

For respondents ... Mr.G.Rajagopalan
Additional Solicitor General of India

O R D E R

(Order of the Court was made by S.Manikumar,J)

Instant Public Interest Litigation has been filed, seeking for a declaration, to declare Clause 4 to 7 of the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018; Ordinance No.7 of 2018, as ultra vires of the Constitution of India.

2. On 5/10/2018, we passed the following order:-

"Provisions 4 to 7 Presidential Ordinance No.7 of the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018, are challenged on the grounds inter alia that the said provisions are violative of Articles 14 and 15 of the Constitution of India. That apart, averments is also made that when pronouncement of triple talak is otiose and does not inflict any legal injury, such pronouncement has been made as

crime punishable with imprisonment for the period upto three years, besides fine.

2. Mr.S.Thiruvankadam, learned Standing Counsel, who takes notice on behalf of the respondent submitted that he would get instructions, within two weeks from today.

3. Question of granting suitable interim orders, would be considered on the next hearing date.

4. Post on 22/10/2018, in the motion list."

3. Mr.G.Rajagopalan, learned Additional Solicitor General of India, appearing on behalf of Union of India, submitted that duration of the impugned ordinance has expired. Government of India has passed a new Ordinance. The Muslim Women (Protection of Rights on Marriage) Ordinance, 2019 and published the same, in the Gazette of India, Ministry of Law and Justice, dated 12th January 2019.

4. In view of the above, impugned ordinance does not survive.

5. Mr.T.Mahendiran, learned counsel for the petitioner submitted that writ petition may be dismissed as withdrawn and he has also made an endorsement to that effect.

6. Placing on record the above, writ petition is dismissed as withdrawn. No costs. Consequently, the connected Miscellaneous Petition No.30409 of 2018 is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mvs.

To

The Secretary
Union of India
Ministry of Law & Justice
4th Floor, A Wing
Shastri Bhawan, New Delhi.

Writ Petition No.26183 of 2018
and
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KJI (CO)
rrs 28/02/2019