

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.2119 OF 2021

Date: 02.03.2021

Between:

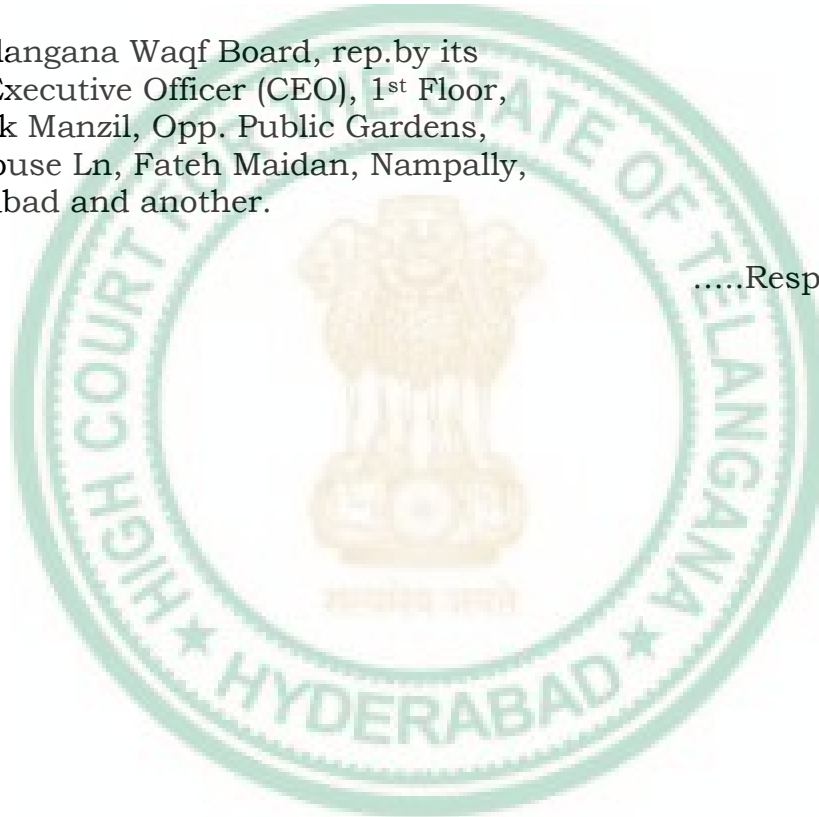
Smt. Rafia Sulthana w/o. shaik Maksud Ahmed,
Aged 38 years, occu: Govt. Employee,
r/o. H.No.16-2-741/B/25, 26 & 27,
2nd Floor, Asmangadh, TV Tower, Malakpet,
Hyderabad.

.....Petitioner

And

The Telangana Waqf Board, rep.by its
Chief Executive Officer (CEO), 1st Floor,
Razzack Manzil, Opp. Public Gardens,
Hajj House Ln, Fateh Maidan, Nampally,
Hyderabad and another.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Heard Mr. K.S.Suneel, learned counsel for petitioner, and Mr. Abu Akram, learned standing counsel for respondent no.1-Board.

2. Petitioner claims to have married a person, by name, Mr. Shaik Maksud Ahmed, S/o. Shaik Khaja Peer, resident of House Plot No.81, Shiva Sai Nagar, Balragiguda, Near Vivekananda Kendra Kaushalam Peeramcheru, Appa Himayath Sagar, Ranga Reddy district, according to the Muslims rights and customs on 09.04.2009. Petitioner alleges that the said marriage was performed without consent of the mother of the 2nd respondent and same was not disclosed to the petitioner till the year 2019. On the wishes of the parents of the 2nd respondent, marriage was performed again on 27.07.2019 and they were blessed with a child on 29.03.2020. Petitioner alleges that on 03.10.2020, 'Talaq' was pronounced by the 2nd respondent and based on the pronouncement of 'Talaq' by the 2nd respondent, certificate was issued nullifying the marriage of the petitioner by the Qazath Office and the same is illegal. Petitioner received affidavit executed by her husband, which discloses the pronouncement of 'Talaq' and stated that divorce has become final. Petitioner, therefore, submitted application on 07.01.2021 to the Chief Executive Officer, Telangana Waqf Board (1st respondent) requesting to take action against the Qazath Office, her husband and her in-laws for violating the law laid down by the Hon'ble Supreme Court in *Shayara Bano vs. Union of India and others*.

3. When the matter is taken up for consideration, learned standing counsel representing the respondent-Board informs the Court that Qazath Office has not issued the Certificate of dissolution of marriage and, therefore, the question of taking action against the Qazath Office by the Waqf Board does not arise.

4. Having regard to this statement of the learned standing counsel, the contention of the petitioner that illegally certificate for dissolution of marriage was issued by Qazath Office and action has to be taken against the concerned person does not arise. Taking action against the husband and in-laws of the petitioner does not come within the purview of the respondent-Board, and petitioner has to work out her remedy as available in law.

5. Granting said liberty, Writ Petition is dismissed. It is made clear that there is no expression of opinion on *inter se* disputes and parties have to work out their remedies as available in law. Pending miscellaneous petitions if any shall stand closed.

JUSTICE P.NAVEEN RAO

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Kkm

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