

30.06.2022
Ct. 5
D/L 25
ab

WPA 537 of 2022

Firoz Belal

-Vs-

The State of West Bengal & Ors.

Mr. Farooque Ali,
Mr. Sk. Shahrukh Raja,
Mr. Afsar Ali,

... for the petitioner

Mr. Asif Dewan

... for the private respondent

Mr. Nilotpall Chatterjee,
Mr. Amrita Lal Chatterjee,

... for the State

The petitioner is aggrieved by an order passed by the Deputy Quazi Shariat, Markazi Darul Quaza, Darul Quaza Imarat Shariah, declaring annulment of the marriage between the petitioner and the private respondent, who is the wife of the petitioner.

Learned counsel appearing for the petitioner/husband submits that the Darul Quaza has no legal authority to pass an order annulling the marriage between the petitioner and the private respondent.

The present issue may be resolved in terms of a decision of the Supreme Court, shown by learned

counsel for the State; reported in (2014) 7 SCC 707 (*Vishwa Lochan Madan Vs. Union of India*), where the Supreme Court categorically held in paragraph 13 of the judgement that the decisions of the Darul Quaza have no legal backing or sanction. The Supreme Court was commenting on the issue of a fatwa in that case but opined that the decision of the Darul Quaza cannot be enforced by any legal process either by the Darul Quaza itself or the person concerned or by anybody for that matter. The Supreme Court further held that the person or body concerned may ignore such decision of the Darul Quaza and it will not be necessary for anybody to challenge it before any Court of law and further that in the event any person tries to impose such decision, their act would be illegal.

The decision of the Supreme Court would suffice for the present facts. The petitioner hence will be at liberty of ignoring the impugned order passed by the Darul Quaza.

Nothing remains to be decided in the present writ petition, which is accordingly allowed.

WPA 537 of 2022 is disposed of in terms of the above.

(**Moushumi Bhattacharya, J.**)

