

D/L. 39 & 40.
February 27, 2023.
MNS.

CPAN 1325 of 2022
in
WPA No. 17565 of 2021

Mijanur Rahaman Molla
Vs.
T. Balasubranion

Mr. Tushar Kanti Mukherjee

...for the petitioner.

Mr. Pantu Deb Roy,
Mr. Pannalal Bandopadhyay

...for the alleged contemnor.

Learned counsel for the petitioner contends that despite the specific direction of this Court that the respondent in the writ petition, that is, the alleged contemnor, was to consider the representation of the petitioner regarding appointment of the petitioner as Muhammadan Marriage Registrar (in short "MMR") and to communicate the result of such consideration to the petitioner, the same was not done by the alleged contemnor.

Learned counsel for the alleged contemnor, by placing reliance on paragraph 4 of the affidavit-in-reply filed to day by the petitioner, submits that admittedly the petitioner was called for hearing on February 9, 2023. Prior to that, the petitioner had

previously also been called for hearing in the month of September, 2022.

However, till recently no approval had arrived for the appointment of MMR for the area-in-question. Subsequently, by the communication dated January 30, 2022, it was declared that jurisdiction of MMR in respect of the newly created Pujali Police Station, District South 24 Parganas, that is, the police station concerned, had been notified. Accordingly, the process of selection of MMR in respect of the territorial jurisdiction of Pujali Police Station was directed to be started in accordance with law.

Pursuant to such communication, the alleged contemnor has already given a hearing to the petitioner on February 9, 2023. However, the outcome of such hearing has not yet been communicated to the petitioner.

Thus, the alleged contemnor has substantially complied with the order to the effect that upon notification with regard to the concerned police station, that is, the Pujali Police Station for appointment of MMR, the petitioner has been given a hearing on such score.

Although the petitioner has alleged that at the time of hearing it was intimated that the post is

still lying vacant, the same *ipso facto* does not make the alleged contemnor liable to suffer punishment for contempt.

As such, CPAN 1325 of 2022 is disposed of.

However, it is made clear that in the event the petitioner is further aggrieved by any action of the alleged contemnor taken subsequently upon the Pujali Police Station having been notified to have jurisdiction for appointment of MMR, it will be open to the petitioner to challenge such action/inaction on the part of the contemnor in a properly constituted proceeding.

The alleged contemnor, however, shall communicate the outcome of the hearing given to the petitioner at the earliest, positively within two weeks from date.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)