

03.06.2024
Item No.2
Ct. No.5
CHC/S. De
(disposed of)
Vacation Bench

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 6319 of 2024

**Sk. Amir Hossain
Vs.
The State of West Bengal & ors.**

Mr. Partha Sarathi Bhattacharyya, Sr. Advocate
Mr. Kazi Sajjad Alam
...for the petitioner

Mr. Swapan Banerjee,
Mr. Debottam Das
...for the State respondents

The writ petitioner was issued a licence under Section 2 of the Kazis Act, 1880 for celebration of marriages and performance of other rights and ceremonies and to observe the provisions of the aforementioned Act. The licence was to continue until it is revoked or suspended by the State Government.

The petitioner refers to a licence dated 8th January, 2024 issued in favour of one Tahamina Khatun where the licence to act as Muhammadan Registrar has been issued and the same is to remain in force until the licensee attains the age of 68 years or such licence is revoked or suspended by the State Government, whichever is earlier.

The petitioner submits that the licence which has been issued in his favour may also remain in force till he attains the age of 68 years.

The petitioner relies upon an order dated 28th of May, 2024 passed by a co-ordinate Bench of this Court in WPA 6390 of 2024 (*Md. Hasibur Rahman Khan vs. The State of West Bengal and others*) wherein the Court was pleased to direct the respondent to consider and decide the case of the said writ petitioner in accordance with law.

Learned advocate representing the State respondents submits that the Principal Secretary, Law Department has not been impleaded as party respondent in the instant writ petition. The prayer of the petitioner could have been considered by the Principal Secretary. As the Principal Secretary is not a party, the writ petition is liable to be dismissed on the ground of non-joinder of necessary party.

I have heard the submission made on behalf of both the parties and have perused the documents placed before this Court including the order passed by the Court in a similar matter.

From the affidavit affirmed by the petitioner it appears that he is currently forty years of age. Licence which has been issued in his favour is to remain in force till it is revoked or suspended by the State

Government. The same implies that the licence is an open ended one without any date of expiry. In the matter of Md. Hasibur Rahman Khan, the Court directed consideration of the petitioner's prayer for extension of the licence period as has been done in favour of Tahamina Khatun.

In the matter of Tahamina Khatun, licence has been issued till the licensee attains the age of 68 years or till such licence is revoked or suspended by the State, whichever is earlier. The same indicates that the State Government reserves right to revoke or suspend the licence despite the same being in force till the licensee attains the age of 68 years.

In the present case, the petitioner can continue with the licence till it is revoked or suspended by the State Government irrespective of the fact whether he attains 68 years or not. There is no requirement, as of now, to restrict the outer limit of the licence that has been issued by the State Government in favour of the petitioner. The petitioner can continue till the licence is revoked or suspended by the State Government.

Accordingly, no further order is required to be passed in the instant writ petition. The writ petition being WPA 6319 of 2024 stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties expeditiously after compliance of all necessary formalities.

(Amrita Sinha, J.)