

27.11.2024
Item No.5
gd/ssd

MAT/655/2024

THE STATE OF WEST BENGAL
VS
NUHU NABI JAMADAR AND ORS.
IA NO: CAN/1/2024

Mr. Supratim Dhar,
Mr. Debatgtam Das
..for the Appellant.

Mr. Ekramul Bari,
Mr. Alauddin Ahmed,
Sk. Imtiajuddin
..for the Respondent/Writ Petitioners.

1. This intra court appeal filed by the State is directed against the order dated 07.02.2024 in WPA 5192 of 2023.

2. By the said order the writ petition has been disposed of by issuing certain directions.

3. After hearing the submissions of the learned advocate for the appellant and the learned advocate for the respondent/writ petitioners, we find that there is no ground made out to interfere with the order and direction issued by the learned Single Bench more particularly in paragraph 9 of the impugned order.

4. The learned advocate appearing for the appellant/State referred to Ground No. IV of the

Memorandum of Appeal stating that the writ petitioners have made 1091 marriage registrations even after the date of superannuation.

5. However, this issue was not the ground on which the application of the writ petitioners was rejected. The rejection by order dated 06.12.2021 was by referring to Rule 6(1)(2) of the West Bengal Special Marriage Rules, 2010 and by another order dated 10.02.2022 rejection of his application under Rule 4(1) (d) of the said Rules. Both these Rules do not refer to any allegation with regard to the marriage registrations which are done by the writ petitioners.

6. Therefore, if at all the writ petitioners have violated the provision of the Rules by registering marriages even after superannuation, this is a separate cause of action and that cannot be adjudicated in the present appeal.

7. Thus, for the above reasons, we are not inclined to interfere with the impugned order.

8. Hence, the appeal fails and the same is dismissed.

9. The direction issued by the learned Single Bench shall be complied with by the appropriate authority within a period of four weeks from the date of receipt of the server copy of this order.

10. The learned advocates have appeared in the matter for the appellant/State and their appearance shall be regularized.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)