

M/L. 11.
March 4, 2024.
MNS.

WPA No. 22189 of 2023

Md. Bakibillah Khan
Vs.
The State of West Bengal and others

Mr. Soumen Kumar Dutta,
Sk. Sayan Uddin

... for the petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Tamal Taru Panda

...for the State.

1. Affidavit-of-service filed in Court today be kept on record.
2. The petitioner had approached the respondent no. 2, the Inspector General of Registration and Commissioner of Stamp Revenue, who is the appropriate authority, with a representation alleging that one Md. Ruhul Ullah is acting as a Muslim Marriage Registrar, but is over-aged as per extant law and regulations.
3. Upon the respondent no. 2 not considering the same, the petitioner had approached this Court, upon which, vide order dated January 24, 2023 passed in WPA 25769 of 2022, a co-ordinate Bench of this Court had directed the respondent no. 2 to consider and dispose of the representation of the petitioner and pass a

reasoned order after hearing the petitioner and all interested parties within a period of three weeks from that date.

4. Learned counsel points out that the respondent no. 2, however, vide order dated February 18, 2023, referred the matter to the District Registrar, that is, the respondent no. 3 and asked for a detailed report from the said authority but disposed of the matter without coming to a conclusion as per the direction of the co-ordinate Bench.
5. Learned counsel for the respondent authorities places reliance on the annexure at page 42 of the writ petition, which is a purported Admit Card of said Md. Ruhul Ullah, which indicates his date of birth to be June 1, 1956, which takes his superannuation age to act as Muslim Marriage Registrar to sometime in May-June this year.
6. As such, even on the basis of the said Admit Card annexed by the petitioner himself, the allegation of the petitioner of Md. Ruhul Ullah being over-aged cannot be accepted.
7. Learned counsel for the petitioner in his reply points that it is the very Admit Card and other documents submitted by Md. Ruhul Ullah which have been challenged by the petitioner.

8. Be that as it may, in terms of the direction of the co-ordinate Bench, the Inspector General of Registration and Commissioner of Stamp Revenue shall himself have to decide the issue in respect of which he disposed of the matter merely by seeking a report from the District Registrar. Since, till date, no report appears to have come up, the District Registrar, being respondent no. 3, is required to file such report to the respondent no. 2 for the complete adjudication of the matter.
9. Accordingly, WPA No. 22189 of 2023 is disposed of by directing the respondent no. 3, the District Registrar, South 24 Parganas, to submit his report in terms of the order dated February 18, 2023 passed by the respondent no. 2 within three weeks from date to the respondent no. 2.
10. Immediately thereafter, the respondent no. 2 shall fix a date of hearing and give adequate opportunity of hearing to all the interested parties, including the petitioner and the said Md. Ruhul Ullah, in terms of the order dated January 24, 2023 passed in WPA No. 25769 of 2022 and decide the issue by passing a reasoned order in accordance with law as expeditiously as possible, positively within four weeks from date.

11. The parties shall act on the server copy of this order without insisting upon prior production of certified copy thereof for compliance.
12. There will be no order as to costs.
13. 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.)