

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:
The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Prasenjit Biswas

**M.A.T. 938 of 2025
With
CAN 1 of 2025**

**Md. Allarakha Mia
vs.
Md. Abdul Gani & Ors.**

For the Appellant : Mr. Surajit Samanta
Ms. Anindita Roy
Ms. Sohini Samanta
Ms. Aparajita Bhowmick

**For the Writ Petitioner
/Respondent** : Mr. Soumen Kumar Dutta
Mr. Partha Sarathi Basu
Mr. Subham Dutta

For the State : Sk. Md. Galib, Sr. Govt. Adv.,
Mr. Abu Siddiqui Mallik
Ms. Subhra Nag

Heard & Judgment on : **July 28, 2025**

DEBANGSU BASAK, J.:-

1. Appeal is at the behest of a private respondent in a writ petition and directed against an order dated May 21, 2025 passed in W.P.A. 24366 of 2022.
2. Learned advocate appearing for the appellant submits that, the writ petition in which such impugned order was passed is not maintainable. He submits that, the writ petition was stated to be as a Public Interest Litigation. The writ

petition was considered by a learned Single Judge who did not possess determination to hear a Public Interest Litigation.

3. Learned advocate appearing for the appellant submits that the writ petition does not disclose any cause of action. He submits that the impugned order, therefore, was passed without jurisdiction.
4. State and the private respondents are represented.
5. Pursuant to observations made by us on the previous date, learned advocate appearing for the State on the basis of written instructions submits that, a period of three months would be required for the purpose of formation of a Committee to undertake the process of permanent appointment of Muslim Marriage Registrar. He submits that pursuant to the impugned order, the authorities already took steps for the purpose of appointment of the temporary Muslim Marriage Registrar. In this regard, he draws the attention of the Court to the writing dated July 7, 2025.
6. Learned advocate appearing for the State on the basis of the oral instruction submits that a period of one month is required for the purpose of appointment of a temporary Muslim Marriage Registrar.
7. Private respondent before us filed a writ petition, complaining that, the appellant was appointed to the post of Muslim Marriage Registrar in respect of Murari Part-B Police Station without due process of law.
8. We find from the records that, the writ petition was moved before learned Single Judge. It was not filed as a Public Interest Litigation, although, in the

cause-title at one place it was stated to be a Public Interest Litigation. Such writing is sought to be explained by the private respondent as a typographical error of the learned Advocate.

9. The writ petition was considered and treated by the learned Single Judge not as a Public Interest Litigation but as a writ petition under Group-IX of the Writ Rules of the High Court.
10. We do not find that, the subject-matter of the writ petition involves any public interest. It can safely be classified under Group-IX of the Writ Rules of the High Court. Learned Single Judge treated the writ petition as such when the learned Single Judge was with the requisite determination to hear and dispose of writ petition under Group-IX of the Writ Rules of the High Court. Explanation for the typographical mistake is plausible. Therefore, the impugned order cannot be said to be without jurisdiction/determination.
11. We are not in a position to accept the contention of the appellant that, writ petition does not disclose cause of action. As noted above, the private respondent, complained of appointment of the appellant before us on temporary basis as a Muslim Marriage Registrar without adhering to any selection process.
12. By the impugned order, the learned Single Judge permitted the State authorities to appoint a Muslim Marriage Registrar for the concerned area, either temporary or on permanent basis.

13. In course of hearing of the appeal as noted above, learned advocate appearing for the State submits that, process for appointment of a temporary Muslim Marriage Registrar is underway and that, the State will require four weeks time to complete the process.
14. In such circumstances, we dispose of the appeal by permitting the State to complete the appointment of a temporary Muslim Marriage Registrar for Murari Part-B Police Station, in accordance with law within a period of four weeks from date, as submitted on behalf of the State.
15. **M.A.T. 938 of 2025** alongwith connected application are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

16. I agree

(Prasenjit Biswas, J.)