

In the Supreme Court of Bangladesh
 High Court Division
 (Special Original Jurisdiction)
Present
Justice Md. Habibul Gani
And
Justice Sk. Tahsin Ali

Writ Petition No. 3241 of 2016

In the matter of:

An application under Article 102(2)(a)(ii) of the Constitution of the People's Republic of Bangladesh.

-And-

In the matter of:

Kazi Mohammad Moazzam Hossain
 Petitioner

Vs.

Govt. of Bangladesh represented by the Ministry of Law, Justice and parliamentary Affairs, Dhaka.

.....Respondents
 Mr. Rehan Husain, Advocate

.....petitioner

Mr. Md. Mohaddesh-Ul-Islam, DAG with

Mr. Mahfuz Bin Yusif, DAG

Mr. Md. Alamgir Hossain, AAG

Mr. Kamrul Islam, AAG

Mr. Kamrunnahar Tamanna, AAG and

Mr. Ahmad Musanna Chowdhury, AAG

..... For the respondents.

Mr. Md. Jainul Abedin (Sajib) with

Ms. Dilruba Afroze (Sima), Advocate

..... for the respondent No. 5

Heard on: 15.05.2025,
29.05.2025,16.06.2025 and
Judgment on: 23.07.2025

Sk. Tahsin Ali, J:

On an application under Article 102 of the Constitution of the People's Republic of Bangladesh filed by the petitioner, a Rule Nisi was issued calling upon the respondents to show cause as to why the notice

contained in Memo No. 466 dated 13.08.2015 issued by Respondent No. 4 the Sub Registrar, Rawjan, Chittagong for preparing a penal of candidates for the appointment of a Nikah Registrar for No. 9 Parartali Union, District-Chittagonj (Annexure-D) should not be declared to have been issued without lawful authority and is of no legal effect and/or pass such other or further order or orders as to this court may seem fit and proper.

Facts relevant for disposal of the said Rule in short, are that the Ministry of Law, Justice and Parliamentary Affairs selected the instant petitioner to appoint as Nikah Registration for No. 08 Kadalpur, No. 09 Pahartoliand No. 10 PurbaGujra Union under Police Station- Rawjan, District-Chittagong on temporary basis by a Memo No. 294 বিচার 7/2 এন-94/87 dated 10th April 2002. Accordingly, the District Registrar, Chittagong in compliance with the memo mentioned above appointed the petitioner as Nikah Registrar for the said area vide his Memo No. 1491 dated 16/04/2002 (Annexure-A/1) on 08th August 2002 the respondents have curtailed No. 10 Purba Gujra Union from the area of the petitioner.

Being aggrieved, the petitioner challenged the impugned Order dated 10.04.2002 before the Hon'ble Court and he submitted that the petitioner has got all the qualifications needed to be licensed to act as Nikah Registrar under Rule 06 of the Muslim Marriage and Divorce Registration Rules 1975. Moreover, he has been functioning as temporary Nikah Registrar for more than three years with full

satisfaction of the authority hence the petitioner is quite legible and qualified to be issued license to act as Nikah Registrar in regular basis.

Mr. Md. Jainul Abedin Sajib learned Advocate for the added respondent No. 5 has drawn our kind attention by premising a judgment and order dated 05.01.2016 in Writ Petition No. 4394 of 2005 earlier obtained by the instant writ petitioner passed by a Division Bench of the Hon'ble High Court Division of the Supreme Court.

While we gone through the abovementioned judgment then we find that the writ petitioner filed on another Writ Petition being No. 4394 of 2005 under Article 102 of the constitution of the People's Republic of Bangladesh and obtained Rule Nisi calling upon the respondents to show cause as to why the respondent should not be directed to issue license to the petitioner on regular under Rule-5A of the Muslim Marriage and Divorce (Registration) Rules, 1975 for his jurisdictional area.

On the other hand, Mr. Md. Mohaddesh-Ul-Islam learned Deputy Attorney General appearing on behalf of respondents submits that the Nikah Registrar appointed temporarily may be appointed permanently in view of Rule 5A of the Rule of 1975 for the area envisaged in Rule 10 provided that he has requisite qualification as prescribed in Rule-6 of the Muslim Marriage and Divorce (Registration) Rules 1975. He further added that the petitioner was granted license to act as Nikah Registrar temporarily comprising an area of three unions. But as per Rule 10 of the Muslim Marriage and Divorce (Registration) Rule, 1975 a Nikah Registrar cannot be licensed to act for more than one union. In that view of the Matter, except only one union the petitioner is not entitled to be

appointed as a permanent Nikah Registrar for the area of three unions. Hence the Rule is made absolute in part.

Respondents are directed to grant license in the name of the petitioner to act as Nikah Registrar for the area of No. 8 Kadalpur Union only under Police Station-Rawjan, District-Chittagong as regular basis if he is not found otherwise disqualified.

That it is matter of great regret for the Hon'ble Court that the instant petitioner with an ulterior motive counseling the above judgment and order dated 05/07/2016 passed by this Hon'ble Court in another Writ petition No. 4394 of 2005. The petitioner engaging a different lawyer of the Bar obtained the instant Rule and pending hearing of the Rule, let all further proceedings in pursuant to the impugned Notice dated 13/08/2015 be stayed and also parties are directed to maintain status-quo with respect to the present post of the Nikah Registrar in the aforesaid word for a period of three months.

The status-quo order as extended by the petitioner in time and again and till today he enjoying the privilege as Nikah Registrar at a time in two individual Union violating the mandatory provision of law.

Hence this Hon'ble Court came to unanimous decision to cost upon the instant petitioner Tk. 5,00,000/- (Five Lac) only for misleading the court regarding the earlier directions of this Hon'ble court and directed the petitioner to deposit all the government fees since 14/08/2015 to till today whichever the petitioner has already been earned as Nikah Registrar for area No. 9 Pahartoli Union at Police Station-Rawjan, District-Chittagong within 30 days after receipt of this order.

Considering the above we are inclined to discharge the Rule for ends of Justice.

Accordingly, the Rule is discharged with cost.

The order of stay and status-quo granted earlier by this court is hereby recalled and vacated.

Communicate this judgment at once.

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(Sk. Tahsin Ali, J)

I agree.

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(Md. Habibul Gani, J)