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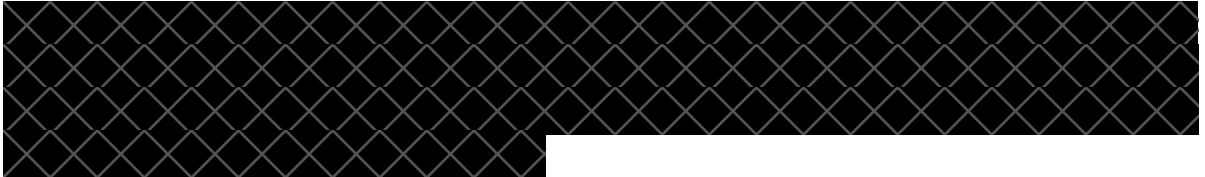
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## HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 795 of 2022

Judgment Reserved On :12.08.2026 .

Judgment Delivered On : 07.09.2026.



... Petitioner(s)

versus

1 - Union Of India Through The Secretary To The Central Home Minister, Ministry Of Home Affairs, North Block, Central Secretariat, New Delhi 110001

2 - State Of Chhattisgarh Through The Chief Secretary, Department Of Law, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.,

3 - The Collector, District Raipur Chhattisgarh

4 - Superintendent Of Police, District Raipur Chhattisgarh.

5 - Station House Officer (S.H.O.), P.S. - D.D. Nagar, District Raipur Chhattisgarh.

6 - Station House Officer (S.H.O.), P.S. - Tikrapara, District Raipur Chhattisgarh.

7 - Station House Officer (S.H.O.), P.S. - City Kotwali District Raipur Chhattisgarh

8 - Station House Officer (S.H.O.), P.S. - Mahila Thana, District Raipur Chhattisgarh.,

9 - Idara-E Shariya Islami Court, Through Janaab Kaazi (Judge) Sahaab, Idara-E Shariya Islami Court, Vidhya Nagar Police Line, Near Petrol Pump, Tikrapara, District Raipur Chhattisgarh.

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... Respondent(s)

For Petitioner(s) : Shri Devershi Thakur, Advocate.  
 For Respondent No.1 : Shri Abhishek Banjare, Central Government Counsel.  
 For State/Respondent : Shri RK Gupta, Addl AG.  
 Nos.2 to 8  
 For Respondent No.10: Ms. Fouzia Mirza, Senior Advocate with Shri Ali Afzaal  
 Mirza, Advocates.

**Hon'ble Mr. Justice Amitendra Kishore Prasad**  
**C A V Order**

1. Challenge by the petitioner in this Writ Petition is two fold. First, she seeks quashment of impugned order dated 18.01.2022 passed by the Respondent No.9/Idara- E-Shariya Islami Court by which it has been informed that the said Court has passed the decision of giving *Triple Talaq*/Divorce to the petitioner. Next, the petitioner is also challenging the very existence of the so called Idara-E Shariya Islami Court which is in violation of the Constitution, Fundamental Rights to Life & Liberty, & The Muslim Women (Protection of Rights on Divorce) Act, 1986 {specifically Section 2 (c ) }, where absolutely no opportunity of hearing was afforded to the Petitioner/Muslim Women following the 'Shariyat Law' which is not applicable in India as provided by the Constitution of India.
2. Necessary facts of the case are that Petitioner, being a Muslim woman, had lodged a complaint against her husband and in-laws. Pursuant thereto, the One Stop Sakhi Centre initiated proceedings and undertook counselling. However, the counselling process failed, whereafter an FIR was registered. The first husband of the Petitioner had passed away in the year 2015. Thereafter, with the involvement of her family members and relatives,

including the in-laws, the Petitioner was engaged to marry Respondent No. 10, namely, [REDACTED], on 18.07.2020. The Petitioner and Respondent No. 10 were duly acknowledged as having entered into a subsequent marriage, and it was also acknowledged that the Petitioner had children from her first marriage. It was alleged by Respondent No. 10 that the children were unable to adjust with the new family and, on that purported ground, the Petitioner was subjected to *Talaq-e-Biddat/Triple Talaq*. Notwithstanding the aforesaid purported pronouncements of Talaq, the Petitioner categorically replied to the notices, specifically asserting that no such purported *Shariyat Law* could override the law applicable in India. However, the said reply and the objections raised by the Petitioner were not duly considered. The Petitioner also brought to the notice of the concerned authorities that Respondent No. 10 was allegedly suffering from medical conditions/incapacities affecting his ability to discharge marital obligations. The Petitioner further reported the harassment, cruelty and ill-treatment allegedly meted out to her and her children by Respondent No. 10 and his family members. In this regard, a complaint was submitted before the Superintendent of Police on 07.10.2021. Acting upon the aforesaid complaint, FIR No. 118/2021 was registered on 01.11.2021 at Police Station Mahila Thana, Raipur (C.G.), for offences punishable under Sections 498-A and 34 of the Indian Penal Code. It is pertinent to state that both in the complaint as well as in the FIR, it was specifically recorded that notices purporting to effect *Triple Talaq* under *Shariyat Law* had been served upon the Petitioner. Despite the registration of the aforesaid FIR and the pendency of proceedings before the competent authorities, Respondent No. 9, namely,

Idara-E-Shariya Islami Court, proceeded to pass the impugned order dated 18.01.2022. The said order was received by the Petitioner on 21.01.2022, whereby Respondent No. 9 purported to declare that the Petitioner had been divorced by way of *Triple Talaq*. Being aggrieved by the said purported order, the Petitioner has approached this Hon'ble Court by way of the present writ petition.

3. Learned counsel for the petitioner submits that the Petitioner, being an educated Muslim woman, was shocked and astonished to learn that Respondent No. 9, styling itself as an *Idara-E-Shariya Islami Court*, had purported to exercise such authority and pass an order affecting her marital status, despite the Petitioner having already approached the competent authorities and set the machinery of law into motion. The Petitioner respectfully submits that no private body or self-styled Shariya Court can assume the jurisdiction vested in the courts established under the Constitution and laws of India or pass orders having the effect of determining or altering the legal rights and status of a citizen. It is further submitted that the rights and interests of Muslim women are protected under the Constitution of India and the applicable statutory framework, including the legislation enacted to safeguard Muslim women against practices such as *Talaq-e-Biddat*. The impugned action of Respondent No. 9 is therefore liable to be examined by this Hon'ble Court in accordance with law.
4. Learned counsel for Respondent No.1 submits that "Police" and "Public Order" are subjects falling within the State List under the Seventh Schedule to the Constitution of India. Accordingly, the primary responsibility for maintaining law and order, protection of the life and property of citizens,

prevention and detection of offences, and investigation of criminal cases rests with the respective State Government and its law-enforcement agencies. Insofar as the prayer in the present petition is concerned, the petitioner seeks, inter alia, a direction for staying the order purportedly passed by the Idara-E-Shariyah Islami Court. The grievances raised by the petitioner, including any alleged action or inaction complained of, essentially concern matters falling within the domain of the concerned State Government and its competent authorities. Such grievances may, therefore, be appropriately considered and redressed by the concerned State Government in accordance with law. It is also submitted that that no specific relief has been sought by the petitioner against the Ministry of Home Affairs, Government of India, New Delhi, nor has any specific act or omission on the part of the answering respondent been alleged which would warrant the grant of any relief against it. In view of the aforesaid submissions, the role of the answering respondent is purely formal in nature.

5. Learned counsel for the State submits that the Indian constitutional and legal framework does not recognize any parallel judicial system based on religion. Informal bodies, alternatively styling themselves as "Sharia Courts," "Darul Qaza," or "Courts of Kazi, have absolutely zero statutory recognition, judicial authority, or power to adjudicate civil and matrimonial disputes. Any "Faisla," settlement, or decree issued by such extra-judicial forums carries no legal weight, possesses no binding authority, and cannot be executed through any state machinery. Legally, these private entities function at best as informal mediation or conciliation cells, whose recommendations are entirely non-binding. It is further submitted that an informal body cannot lawfully assume

the powers of a statutory court, issue coercive orders, or enforce its decisions against an unwilling person. Where such a body falsely assumes the authority of a public servant and acts in that capacity, Section 204 of the Bharatiya Nyaya Sanhita, 2023 may attract if the ingredients of the offence are prima facie found. In cases involving Talaq-e-Sunnat (comprising Talaq-e-Ahsan and Talaq-e-Hasan), an informal Sharia forum or Kazi lacks the legal jurisdiction to pass a judgment confirming a divorce. Under Muslim Personal Law, Talaq-e-Sunnat is an extra-judicial act performed personally by the husband under strict procedural guidelines. The role of a Kazi is strictly restricted to that of a private witness or an administrative record-keeper. If the wife disputes the procedural validity of the talaq, the reconciliation attempts, or the fulfillment of statutory conditions, the Sharia forum cannot adjudicate the matter. The exclusive authority to examine evidence and pass legally binding declaration regarding the marital status of the parties rests solely with a formally established Statutory Family Court. It is a well-settled position of law that a statutory Family Court cannot rely upon any settlement, compromise, or decree drafted by a Kazi or Sharia forum to reject or diminish a Muslim woman's legal entitlements. The statutory remedies provided by the legislature cannot be extinguished by private religious arrangements. Respondent number 9 has projected itself as Court and acted in that fashion only so that the people of the particular community are influenced by such projection and accept the authority of respondent number 9 Court, and feel themselves obliged to obey their illegally passed judgement". Following facts show that the respondent number 9 has attempted to create and establish itself as a parallel system of dispensation

of justice by its self-proclaimed authority under the religious code: (a) Using the word Court with its name; (b) in emblem showing a balance (Taraju) as shown in the emblem of almost all the courts; (c) in proceeding recording the statement; (d) taking evidence and then terming the final outcome as "judgement". If such illegal acts are not curbed and criminal action against responsible person is not initiated then this will embolden such elements and would lead to a situation of lawlessness and anarchy in the society.

6. Learned Senior counsel for Respondent No.10 submits that the present writ petition has been instituted, inter alia, alleging that Respondent No. 9 is functioning as a parallel judicial authority and is passing decisions affecting the legal rights of individuals, particularly in relation to the pronouncement of Talaq by Respondent No. 10. It is respectfully submitted that Respondent No. 10 has no role in the alleged functioning of Respondent No. 9 and has been unnecessarily impleaded in the broader challenge raised in the writ petition. Learned counsel submits that owing to domestic discord and irreconcilable differences between the answering Respondent No. 10 and the petitioner, Respondent No. 10 pronounced Talaq-E-Hasan in three phases by way of communications dated 31.08.2021, 30.09.2021 and 30.10.2021. The said pronouncement was made in exercise of what he claims to be his personal rights under Muslim Personal Law. Respondent No. 9, namely Idara-E-Shariya, has no statutory or judicial status and does not possess any authority to adjudicate upon or determine the civil or legal rights of the parties. The document dated 18.01.2022 issued by Respondent No. 9 merely conveyed/communicated the alleged execution of Talaq to the petitioner and cannot, by itself, be treated as a judicial determination of the rights and

obligations of the parties. The petitioner is, in any event, pursuing such statutory and other remedies as may be available to her, in which proceedings, Respondent No. 10 is appearing and contesting the claims in accordance with law. Respondent No. 10 respectfully submits that the issues sought to be raised in the present writ petition appear to travel beyond the individual conduct of the Respondent No.10 and seek, inter alia, constitutional adjudication concerning the validity of religious practices and the status and functioning of religious institutions. Such wider constitutional questions are distinct from the individual acts or conduct attributable to Respondent No. 10. Respondent No. 10 therefore submits that he ought not to be unnecessarily burdened with issues concerning the alleged exercise of judicial or quasi-judicial authority by Respondent No. 9, over which he has neither control nor authority. It is further submitted that the constitutional validity of Talaq-E-Hasan is already the subject matter of proceedings before the Hon'ble Supreme Court in **"Benazeer Heena v. Union of India"**, which, as presently understood, is likely to be listed on 07.10.2026. Thus, it is submitted that the larger constitutional questions concerning the validity of Talaq-E-Hasan are presently pending consideration before the Hon'ble Supreme Court and may appropriately be left to be adjudicated in the said proceedings.

7. According to return of Respondent No.9, it is evident that the institution of Idara-E Shariya Islami Court is religious and advisory institution and does not exercise any judicial or statutory powers nor running any parallel judicial system and does not possess or claim any legal status as a court of law nor does it act as a Magistrate or Judicial Authority under any statute be it the

Muslim Women (Protection of Right on Divorce) Act, 1986. It functions solely in a religious and conciliatory capacity, offering opinions or documentation based on religious understanding when sought voluntarily by members of the community. The document dated 18.01.2022 impugned in the present petition is only a religious declaration recording the pronouncement of Divorce by way of Talaq-E-Hasan by respondent no. 10 and is not a legal instrument. Respondent No.9 is not conducting any judicial proceeding, but have given a religious finding on the basis of Quran and Shariya with regard to pronouncement of Talaq-E-Hasan by respondent no. 10. It has not invalidated any marriage from the legal stand point and has not violated any constitutional provision. The petitioner has already set the law in motion by approaching the court of law and this shows that her access to justice is fully intact and unhindered by any action of respondent No.9. Reliance has also been placed in the judgment passed by the Hon'ble Supreme Court in the matter **"Vishwa Lochan Madan Vs. Union of India"** (2014) 7 SCC 707, in which, Hon'ble Supreme Court has taken into consideration the establishment of Darul Qaza and Idara-E-Shariya under the All India Muslim Personal Law Board and the legal status of the Institutions and have observed that despite the laudable object of the establishment of such court, it has no legal status and is not binding upon any individual, but the existence of Darul Qaza or for that matter practice of issuing fatwas does not mean it to be illegal, it is informal justice delivery systems and further the decision or fatwa issued by whatever body being not emanating from any judicial system recognized by law, it is not binding on anyone including the person, who had asked for it. Further, such an adjudication or fatwa does not have a force of

law and, therefore, cannot be enforced by any process using coercive method. Any person trying to enforce that by any method shall be illegal and has to be illegal and has to be dealt with in accordance with law. In view of the aforementioned observation, the relief sought for issuance of writ restraining the respondent no. 9 Idara-E-Shariya to exercise power of the Court or Magistrate U/s 2(c) of the Act 1986 cannot be granted as it does not have any legal status or is not functioning as a Magistrate, but is only giving decision under Islami Shariya and Teachings of Quran, which is advisory in nature and it is within the discretion of person either to accept or reject it. Further the order dated 18.01.2022 is not an order having any legal status and is not liable to be enforced, but is a decision on the basis of Muslim Personal Law with respect to the exercise of execution of Talaque-E-Hasan, which is the personal right as has been granted to the respondent no. 10. Idara-E-Shariya i.e. respondent no. 9 is not a parallel judicial system, but is only advisory religious establishment functioning under the right granted under Article 25 of the Constitution of India, hence cannot be restrained or any action be taken for performing the religious activities.

8. I have heard learned counsel for the parties and perused the documents annexed with the petition carefully.
9. The first and foremost question which arises for consideration is whether Respondent No.9, styling itself as an "Idara-E-Shariya Islami Court", possesses any legal authority to adjudicate upon and determine the marital status or legal rights and obligations of the petitioner.
10. The answer to the aforesaid question is no. In this regard, It would be appropriate to visit the observations of the Hon'ble Supreme Court in the

matter of **Vishwa Lochan Madan v. Union of India and Others**, reported in **(2014) 7 SCC 707** , wherein following has been observed in paragraphs 10 to 17:-

10. The plea of the State of Madhya Pradesh is that fatwa issued by Dar-ul-Qaza has no legal value.

11. The stand of the State of U.P. is that fatwas are advisory in nature. They are not mandatory and do not prohibit any Muslim to approach courts established by law for adjudication of their disputes. Hence, Dar-ul-Qaza does not act as a parallel court for adjudication of disputes.

12. From the pleadings of the parties there does not seem to be any dispute that several Dar-ul-Qazas presided over by the Qazis exist and they do issue fatwas. In the present case, what we have been called upon to examine is as to whether Dar-ul-Qaza is a parallel court and “fatwa” has any legal status.

13. As it is well settled, the adjudication by a legal authority sanctioned by law is enforceable and binding and meant to be obeyed unless upset by an authority provided by law itself. The power to adjudicate must flow from a validly made law. A person deriving benefit from the adjudication must have the right to enforce it and the person required to make provision in terms of adjudication has to comply that and on its failure consequences as provided in law are to ensue. These are the fundamentals of any legal judicial system. In our opinion, the decisions of Dar-ul-Qaza or the fatwa do not satisfy any of these requirements. Dar-ul-Qaza is neither created nor sanctioned by any law made by the competent legislature. Therefore, the opinion or the fatwa issued by Dar-ul-Qaza or for that matter anybody is not adjudication of dispute by an authority under a judicial system sanctioned by law. A Qazi or Mufti has no authority or powers to impose

his opinion and enforce his fatwa on anyone by any coercive method. In fact, whatever may be the status of fatwa during Mogul or British Rule, it has no place in independent India under our constitutional scheme. It has no legal sanction and cannot be enforced by any legal process either by the Dar-ul-Qaza issuing that or the person concerned or for that matter anybody. The person or the body concerned may ignore it and it will not be necessary for anybody to challenge it before any court of law. It can simply be ignored. In case any person or body tries to impose it, their act would be illegal. Therefore, the grievance of the petitioner that Dar-ul-Qazas and Nizam-e-Qaza are running a parallel judicial system is misconceived.

**14.** As observed earlier, the fatwa has no legal status in our constitutional scheme. Notwithstanding that it is an admitted position that fatwas have been issued and are being issued. The All India Muslim Personal Law Board feels the “necessity of establishment of a network of judicial system throughout the country and Muslims should be made aware that they should get their disputes decided by the Qazis”. According to the All India Muslim Personal Law Board “this establishment may not have the police powers but shall have the book of Allah in hand and sunnat of the Rasool and all decisions should be according to the book and the sunnat. This will bring the Muslims to the Muslim courts. They will get justice”.

**15.** The object of establishment of such a court may be laudable but we have no doubt in our mind that it has no legal status. It is bereft of any legal pedigree and has no sanction in laws of the land. They are not part of the *corpus juris* of the State. A fatwa is an opinion, only an expert is expected to give. It is not a decree, nor binding on the court or the State or the individual. It is not sanctioned under our

constitutional scheme. But this does not mean that existence of Dar-ul-Qaza or for that matter practice of issuing fatwas are themselves illegal. It is informal justice delivery system with an objective of bringing about amicable settlement between the parties. It is within the discretion of the persons concerned either to accept, ignore or reject it. However, as the fatwa gets strength from the religion; it causes serious psychological impact on the person intending not to abide by that. As projected by Respondent 10 "Godfearing Muslims obey the fatwas". In the words of Respondent 10 "it is for the persons/parties who obtain fatwa to abide by it or not". He, however, emphasises that "the persons who are Godfearing and believe that they are answerable to the Almighty and have to face the consequences of their doings/deeds, such are the persons, who submit to the fatwa". Imrana's case is an eye-opener in this context. Though she became the victim of lust of her father-in-law, her marriage was declared unlawful and the innocent husband was restrained from keeping physical relationship with her. In this way a declaratory decree for dissolution of marriage and decree for perpetual injunction were passed. Though neither the wife nor the husband had approached for any opinion, an opinion was sought for and given at the instance of a journalist, a total stranger. In this way, the victim has been punished. A country governed by rule of law cannot fathom it.

**16.** In our opinion, one may not object to issuance of fatwa on a religious issue or any other issue so long it does not infringe upon the rights of individuals guaranteed under the law. Fatwa may be issued in respect of issues concerning the community at large at the instance of a stranger but if a fatwa is sought by a complete stranger on an issue not concerning the community at large but individual, then the

Dar-ul-Qaza or for that matter anybody may consider the desirability of giving any response and while considering it should not be completely unmindful of the motivation behind the fatwa. Having regard to the fact that a fatwa has the potential of causing immense devastation, we feel impelled to add a word of caution. We would like to advise the Dar-ul-Qaza or for that matter anybody not to give any response or issue fatwa concerning an individual, unless asked for by the person involved or the person having direct interest in the matter. However, in a case the person involved or the person directly interested or likely to be affected being incapacitated, by any person having some interest in the matter. Issuance of fatwa on rights, status and obligation of individual Muslims, in our opinion, would not be permissible, unless asked for by the person concerned or in case of incapacity, by the person interested. Fatwas touching upon the rights of an individual at the instance of rank strangers may cause irreparable damage and therefore, would be absolutely uncalled for. It shall be in violation of basic human rights. It cannot be used to punish the innocent. No religion including Islam punishes the innocent. Religion cannot be allowed to be merciless to the victim. Faith cannot be used as the dehumanising force.

**17.** In the light of what we have observed above, the prayer made by the petitioner in the terms sought for cannot be granted. However, we observe that no Dar-ul-Qazas or for that matter, anybody or institution by any name, shall give verdict or issue fatwa touching upon the rights, status and obligation, of an individual unless such an individual has asked for it. In the case of incapacity of such an individual, any person interested in the welfare of such person may be permitted to represent the cause of individual concerned. In any event, the decision or the fatwa issued by whatever

body being not emanating from any judicial system recognised by law, it is not binding on anyone including the person, who had asked for it. Further, such an adjudication or fatwa does not have a force of law and, therefore, cannot be enforced by any process using coercive method. Any person trying to enforce that by any method shall be illegal and has to be dealt with in accordance with law.

11. In the aforesaid case, the Hon'ble Supreme Court considered the status of Dar-ul-Qaza and fatwas under the constitutional scheme of India. The Hon'ble Supreme Court held that adjudicatory power must flow from a validly enacted law and that a Dar-ul-Qaza is neither created nor sanctioned by law. Consequently, the opinion or fatwa issued by such a body does not constitute adjudication by an authority forming part of the judicial system recognised by law.
12. The Hon'ble Supreme Court further made it clear that a fatwa is merely an opinion and is not a decree; it is not binding upon the Court, the State or an individual and cannot be enforced through any coercive legal process. The existence of Dar-ul-Qaza or the practice of issuing fatwas, by itself, was not declared illegal; however, such bodies cannot assume the status or authority of Courts established under law.
13. More importantly, the Hon'ble Supreme Court cautioned that no Dar-ul-Qaza or other institution, by whatever name called, should issue a verdict or fatwa touching upon the rights, status or obligations of an individual unless such individual has sought it, and further held that such a decision, not emanating from a judicial system recognised by law, is not binding and cannot be enforced by coercive process.

14. Applying the aforesaid principles to the facts of the present case, Respondent No.9 cannot be recognised as a Court constituted under the Constitution or any statute. It has no jurisdiction to adjudicate upon the marital status of the petitioner or to pass an order which, in law, determines whether the petitioner stands divorced from Respondent No.10.

15. Consequently, the document/order dated 18.01.2022 issued by Respondent No.9 cannot have the legal effect attributed to it by the petitioner or Respondent No.10. It is, at best, a communication or religious opinion emanating from a private body and does not constitute a decree or judicial determination of dissolution of marriage. It neither creates, extinguishes nor alters any legally enforceable right or status of the petitioner.

16. It is necessary to clarify that the aforesaid conclusion is confined to the competence and legal effect of the order/communication dated 18.01.2022 issued by Respondent No.9. This Court is not called upon, in the present proceedings, to adjudicate upon the larger constitutional validity of Talaq-e-Hasan.

17. The said distinction assumes significance because Respondent No.10 has relied upon alleged pronouncements of Talaq-e-Hasan made by communications dated 31.08.2021, 30.09.2021 and 30.10.2021. The constitutional and legal questions concerning unilateral Talaq-e-Hasan have been the subject matter of proceedings before the Hon'ble Supreme Court. The subsequent proceedings in *Benazeer Heena v. Union of India* also demonstrate that the issue has remained under consideration before the Hon'ble Supreme Court.

18. In view of the pendency of the aforesaid proceedings before the Hon'ble Supreme Court, this Court considers it inappropriate to enter into or pronounce upon the larger constitutional question concerning the validity of Talaq-e-Hasan. All questions in that regard are accordingly left open to be considered by the competent Court in accordance with law.

19. At the same time, pendency of such proceedings cannot confer jurisdiction upon Respondent No.9 which it otherwise does not possess. Nor can a purported decision of a private religious body be treated as a substitute for an adjudication by a Court established under law.

20. It is also clarified that nothing contained in this order shall prejudice the criminal proceedings arising out of FIR No.118/2021 or any other statutory remedy available to the petitioner. The competent authorities shall deal with such proceedings independently and strictly in accordance with law.

21. The contention of Respondent No.10 that the dispute between the parties arises out of domestic discord and that he has separately asserted Talaq-e-Hasan does not alter the legal position concerning Respondent No.9. Whatever rights or defences Respondent No.10 may have in law are required to be examined by the competent forum and cannot derive legal validity merely from the order dated 18.01.2022 issued by Respondent No.9.

22. This Court is also conscious of the observations of the Hon'ble Supreme Court in *Vishwa Lochan Madan* that religious faith cannot be permitted to operate as a dehumanising force or to be used to determine the rights, status or obligations of an individual in a manner contrary to the rule of law.

23. In the result, the writ petition is **allowed in part**. The purported order/communication dated 18.01.2022 issued by Respondent No.9, insofar

as it purports to determine or declare the marital status of the petitioner or to dissolve the marriage between the petitioner and Respondent No.10, is declared to be without legal authority and incapable of conferring or altering any legal right, status or obligation of the parties.

24.Respondent No.9 is further held to have no jurisdiction to function as a Court constituted under the Constitution or any law enacted by a competent legislature, and any opinion, verdict or decision issued by it cannot be enforced by coercive process or treated as a binding adjudication of the civil or matrimonial rights of the parties.

25.However, this Court consciously refrains from adjudicating upon the constitutional validity or otherwise of Talaq-e-Hasan, leaving the said question open as some matters are pending for determination before the Hon'ble Supreme Court.

26.It is made clear that this order shall not preclude either party from pursuing any remedy available under the Constitution, statutory law or applicable personal law before the competent forum, and all such proceedings shall be decided independently on their own merits and in accordance with law.

27.The writ petition stands disposed of in the aforesaid terms.

28.Before parting, this Court observes that religion may guide an individual's conscience and personal faith, but no religious institution or private body can be permitted to assume the authority of a Court established by law or to use religious belief as a means of determining or enforcing the legal status and rights of an individual. The rule of law and the constitutional framework remain paramount.

Sd/-

**(Amitendra Kishore Prasad)**  
**Judge**

Avinash

| The date when the judgment is reserved | The date when the judgment is pronounced | The date when the judgment is uploaded on the website |            |
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|                                        |                                          | Operative                                             | Full       |
| 12.08.2026                             | 07.09.2026                               | -----                                                 | 07.09.2026 |