CGHC010081192021 2026:CGHC:46363

**NAFR**

# HIGH COURT OF CHHATTISGARH AT BILASPUR

**WPC No. 1757 of 2021**

**Order Reserved on 29.09.2026**

**Order Passed on 03.11.2026**

**1 -** Yusuf Khan S/o Late Abdul Rahman Khan Aged About 55 Years R/o Ward No. 7 Jawaharpara, Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh.

**2 -** Abeda Khatun Wd/o Late Rahman Khan Aged About 58 Years D/o Late Abdul Rahman Khan Aged About 58 Years, R/o Ward No. 11, Jahawaharpara, Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

**... Petitioners**

**Versus**

RAVVA UTTEJ KUMAR RAJU

Digitally signed by RAVVA UTTEJ KUMAR RAJU
Date: 2026.11.03 18:49:08 +0530

**1 -** Union of India Through Secretary, Department Of Minority Affairs, 11th Floor, Pandit Deendayal Antyodaya Bhawan, Cgo Complex, Lodhi Road, New Delhi 110003, District : New Delhi, Delhi

**2 -** Chhattisgarh State Minority Commission Through Its President Chhattisgarh State Minority Commission, Old Nurses Hostel, D. K. S. Bhawan Premises, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

**3 -** Collector Balod District Balod Chhattisgarh., District : Balod, Chhattisgarh

**4 -** Intejamiya Committee Jama Majid Balod District Balod Chhattisgarh., District : Balod, Chhattisgarh.

**5 -** Haji Salim Tiggala S/o Haji Noor Mohammad Aged About 58 Years Former Sadar Of Intejamiya Committee, Jama Majid, Balod Chhattisgarh. R/o Station Road Balod Chhattisgarh., District : Balod, Chhattisgarh

**6 -** Jahid Ahmad Khan S/o Majid Ahmad Khan Aged About 55 Years R/o Ward No. 9, Kurmipara, Balod Chhattisgarh., District : Balod, Chhattisgarh

**7 -** Khalil Ahmad S/o Hafij Abdul Aziz Aged About 66 Years R/o Ward No. 9, Beside Jama Majid, Balod Chhattisgarh., District : Balod, Chhattisgarh

**8 -** M. J. Khan S/o Miya Khan Aged About 57 Years R/o Ward No. 7, Jawaharpara Balod Chhattisgarh., District : Balod, Chhattisgarh

**9 -** Salim Ahmad Khan S/o Wajir Khan Aged About 61 Years R/o Ward No. 10, Near Jama Majid Balod Chhattisgarh., District : Balod, Chhattisgarh

**10 -** Mohammad Asraf Rizvi S/o G. M. Rizvi Aged About 58 Years R/o Ward No. 11, Behind Gurudawara, Jawaharpara, Balod Chhattisgarh., District : Balod, Chhattisgarh

**11 -** Mohammad Adil Aman Khan S/o Mohammad Kalim Khan Aged About 36 Years Former Secretary Of Intejamiya Committee, Jama Majid, Balod Chhattisgarh. R/o Ward No. 11, Near Putali School, Jawaharpara, Balod Chhattisgarh., District : Balod, Chhattisgarh

**... Respondents**

**(Cause title is downloaded from CIS Periphery.)**

| | | |
|---|---|---|
| For Petitioners | : | Mr. Malay Shrivastava, Advocate. |
| For UOI | : | Mr. T.S. Sahu, C.G.C. |
| For State | : | Mr. Akhilesh Kumar, G.A. |
| For Respondents No. 5 to 11. | : | Mr. Jameel Akhtar Lohani, Advocate. |

Hon'ble Mr. Justice Amitendra Kishore Prasad

C.A.V. Order

1. The present petition has been filed by the petitioners, who are real brother and sister, challenging the Fatwa allegedly issued by respondent Nos. 4 to 11 following the marriage of the daughter of petitioner No. 2, which was solemnized on 17.08.2019 with Ali Abbas Hedari, who belongs to the Shia community, whereas the petitioners belong to the Sunni community. The petitioners contend that, through the said Fatwa, they and their family members were declared to be no longer Muslims and were directed to be socially boycotted. The petitioners allege that the Fatwa was issued in retaliation against petitioner No. 1 for lodging complaints alleging financial irregularities and embezzlement against respondent Nos. 4 to 11 before the competent authorities, including the Chhattisgarh State Waqf Board, which subsequently dissolved the Committee headed by respondent No. 4, appointed an administrator, and initiated an inquiry into its affairs. The petitioners have, therefore, approached this Court alleging that the impugned action was intended to harass and humiliate them and infringes their fundamental rights, particularly the right to life and personal liberty guaranteed under Article 21 of the Constitution of India.

2. Briefly stated, the facts of the case as adumbrated in the petition is that the petitioners are real brother and sister and have been residing at Balod since birth. Petitioner No. 1- Yusuf Khan has been actively engaged in social work in the area since 1984 and had lodged complaints before the Chhattisgarh State Waqf Board

and other authorities alleging financial irregularities and embezzlement by respondent Nos. 4 to 11 in the affairs of the Committee constituted by the Chhattisgarh State Waqf Board. On the basis of the said complaints, the Waqf Board took cognizance of the matter, removed the existing Committee, appointed an administrator, and conducted an inquiry into the alleged financial irregularities. It is further stated that, on 17.08.2019, the daughter of petitioner No. 2 was married to Ali Abbas Hedari, who belongs to the Shia Muslim community, whereas the petitioners belong to the Sunni Muslim community. Allegedly, owing to their grudge against petitioner No. 1, respondent Nos. 5 to 11 instigated respondent No. 4 to issue a Fatwa dated 23.08.2019 declaring that the persons who had attended the marriage would cease to be members of the Muslim community and directing them to maintain social distance from the petitioners and their family members. The Fatwa further purportedly declared the marriages of those who had attended the ceremony to be void and directed them to remarry their respective spouses. The petitioners contend that the said Fatwa is arbitrary, contrary to Muslim Personal Law, and an abuse of authority, resulting in their social boycott by members of the Muslim community in Balod. Petitioner No. 1 subsequently lodged a complaint against respondent Nos. 5 to 11 before the Superintendent of Police, Balod, pursuant to which a certificate under Section 155 of the Code of Criminal Procedure, 1973, was issued by Police Station Balod on 18.02.2021. Alleging

that the impugned Fatwa has infringed their fundamental rights, particularly the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, the petitioners have approached this Court seeking appropriate reliefs against the respondents :-

> "**10.1** That, this Hon'ble Court may kindly be pleased to quash the Fatwa dated 23.08.2019 called by the respondent No. 4 by which the petitioners have been socially boycott.
>
> **10.2** That, this Hon'ble Court may kindly be pleased to direct the respondent No. 4 to 11 to pay suitable compensation as determined by this Hon'ble Court for harassing and humiliating the petitioners.
>
> **10.3** Any other relief(s)/ order(s)/ direction(s) in favour of petitioner, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.
>
> **10.4** Cost of the petition."

3. Learned counsel for the petitioners submits that the Fatwa dated 23.08.2019, allegedly issued by respondent Nos. 4 to 11, is arbitrary, illegal, and contrary to law, as it purports to exclude the petitioners and their family members from the Muslim community and has resulted in their social boycott, thereby infringing their fundamental rights, particularly the right to life and personal

liberty, including the right to live with dignity, guaranteed under Article 21 of the Constitution of India. It is contended that respondent Nos. 5 to 11, bearing a grudge against petitioner No. 1 on account of his complaints alleging financial irregularities and embezzlement in the affairs of respondent No. 4, instigated the issuance of the impugned Fatwa with the ulterior motive of harassing and humiliating the petitioners and compelling petitioner No. 1 to withdraw the complaints lodged against them. He further submits that the marriage of the daughter of petitioner No. 2 was a personal and familial affair, and the respondents had no authority to interfere therein by issuing a Fatwa purporting to determine the religious status of the petitioners and other persons who attended the marriage, or to direct their social boycott. It is further contended that the issuance of the Fatwa within six days of the marriage, coupled with the subsequent social ostracism faced by the petitioners, demonstrates the alleged *mala fide* intention underlying the impugned action. He next argues that such an exercise of authority cannot be justified in the name of religious practice, particularly when it has the effect of interfering with the dignity and social standing of the petitioners. Accordingly, it is submitted that the impugned Fatwa constitutes an arbitrary and unwarranted interference with the petitioners' fundamental rights and warrants interference by this Court.

4. Reliance has been placed upon the decision of Hon’ble Supreme Court’s order dated 07.07.2014 passed in the matter of ***Vishwa***

***Lochan Madan v. Union of India and Others*** reported in **(2014) 7 SCC 707.**

5. Mr. Trivenee Shankar Sahu, learned Central Govt. Counsel appearing for the Union of India submits that the allegations made by the petitioners primarily concern the issuance of the impugned Fatwa by respondent Nos. 4 to 11 and the alleged social boycott resulting therefrom, and that no specific act or omission has been attributed to the Union of India warranting the grant of relief against it. It is further submitted that the grievances raised by the petitioners pertain to the actions of the concerned religious committee and private individuals, as well as the alleged inaction of the State authorities, and that the Union of India has no direct role in the issuance or implementation of the impugned Fatwa. Accordingly, the petition, insofar as it seeks any relief against the Union of India, deserves to be considered in light of the absence of any specific allegation of violation of the petitioners' rights attributable to it.

6. *Ex adverso*, learned counsel appearing for the State submits that pursuant to the complaint lodged by petitioner No. 1 before the Superintendent of Police, Balod, alleging that respondent No. 4 had issued a Fatwa resulting in the social boycott of the petitioners on account of the marriage of his niece with a person belonging to the Shia Muslim community, an inquiry was conducted by the Deputy Superintendent of Police, Balod. During the inquiry, statements of the petitioners and other members of

the community were recorded, and, upon completion of the inquiry, a report dated 15.01.2020 was submitted to the Superintendent of Police, Balod, concluding that no Fatwa directing the social boycott of the petitioners had been issued and that no such boycott was prevailing in the society. The inquiry further revealed that a dispute existed between petitioner No. 1 and the private respondents in connection with complaints alleging financial irregularities in the affairs of the Intezamiya Committee.

Learned counsel for the State further submits that the allegations concerning financial irregularities fall within the jurisdiction of the Chhattisgarh State Waqf Board and other competent forums, whereas the petitioners could have pursued the appropriate remedy before the competent court in respect of their grievance regarding the alleged Fatwa. It is contended that the complaint was duly investigated and the requisite proceedings under Section 155 of the Code of Criminal Procedure, 1973, were undertaken; however, no material disclosing a cognizable offence warranting registration of an FIR was found. In view of the inquiry report and the availability of appropriate alternative remedies, learned counsel for the State submits that no case for interference by this Court is made out and that the petition, being devoid of merit, deserves to be dismissed.

7. Learned counsel appearing for respondent Nos. 5 to 11 submits that the petitioners have misconstrued the contents of the alleged

Fatwa dated 23.08.2019, as the same merely addressed a religious query concerning the validity of a marriage between a Sunni Muslim and a Shia Muslim and did not specifically refer to the petitioners, the marriage in question, or any direction to socially boycott the petitioners and their family members. It is contended that no decision was taken to exclude the petitioners from the Muslim community or prevent petitioner No. 1 from entering the mosque, and that the allegations of social boycott, harassment, and violation of Article 21 of the Constitution of India are baseless. He further submits that the allegations of political vendetta and personal animosity are unfounded and that the dispute between petitioner No. 1 and the members of the Masjid Committee arose from his repeated complaints concerning the functioning of the committee. It is also contended that the petitioners have incorrectly alleged that the Fatwa was issued to retaliate against petitioner No. 1 for his complaints regarding financial irregularities, as the alleged Fatwa neither identifies the petitioners nor contains any direction against them. He next argues that the complaint lodged by petitioner No. 1 before the Superintendent of Police, Balod, was duly investigated, and the inquiry report dated 15.01.2020 recorded that no social boycott of the petitioners or their family members was prevailing in the society. It is further contended that the police subsequently initiated proceedings under Section 155 of the Code of Criminal Procedure, 1973, and that the petitioners, instead of availing

themselves of the appropriate remedy before the competent criminal court, have invoked the writ jurisdiction of this Court. Referring to the affidavits submitted by members of the Muslim community at Balod, learned counsel disputes the allegation that the petitioners have been socially ostracized and submits that no infringement of their fundamental rights has been established. Accordingly, it is contended that, in the absence of any specific direction in the alleged Fatwa against the petitioners or any material demonstrating social boycott attributable to respondent Nos. 5 to 11, the present petition is devoid of merit and deserves to be dismissed.

8. I have heard learned counsel for the parties and perused the material on record including the relevant documents appended therein with utmost circumspection.

9. The Hon'ble Supreme Court in the matter of **Vishwa Lochan Madan (supra)** held in paras 14 to 17 which reads as under:-

> "**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 is 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, 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."

10. In the light of aforesaid judgment and in the present case also this Court finds that the principal grievance of the petitioners is

founded upon the alleged issuance of a Fatwa dated 23.08.2019, purportedly directing their social boycott on account of the marriage of the daughter of petitioner No. 2 with a person belonging to the Shia community. However, the private respondents have disputed the petitioners' interpretation of the said Fatwa and have specifically denied issuing any direction for their social boycott. Further, the inquiry report dated 15.01.2020 submitted by the Deputy Superintendent of Police, Balod, records that no Fatwa directing the social boycott of the petitioners had been issued and that no such boycott was prevailing in the society. In the absence of cogent material establishing that the alleged Fatwa was enforced against the petitioners or that their fundamental rights were thereby infringed, the allegations made in the petition cannot, by themselves, constitute sufficient ground for granting the relief sought by the petitioners. It is also apparent from the aforesaid cited judgment, that a Fatwa has no binding legal force and cannot be enforced so as to prejudice the legal rights of any person. Nevertheless, in the present case, the petitioners have failed to establish, on the material placed before this Court, that the alleged Fatwa resulted in the asserted social boycott or any enforceable infringement of their fundamental rights warranting interference under Article 226 of the Constitution of India.

11. Accordingly, this Court finds no sufficient ground to grant the reliefs sought by the petitioners. Consequently, the writ petition is

**dismissed**. However, the petitioners shall be at liberty to avail themselves of any other remedy available to them in accordance with law, if so advised.

Sd/-
(Amitendra Kishore Prasad)
Judge

U.K. Raju