

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.33583 of 2012

Date:31.12.2013

Between:

Syed Khaja Moinuddin Chishty,
S/o Janab Fazluddin Chishty

..... Petitioner

And:

The Govt of AP, repled by the Principal
Secretary, Minority Welfare Department, Hyderabad
and two others.

.....Respondents

Counsel for the Petitioner: Sri Vladimeer Khatoon

Counsel for Respondent No.1: AGP for Minority Welfare

Counsel for Respondent No.2: Sri Shafath Ahmed Khan

Counsel for Respondent No.3: Sri A.M.Qureshi

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to set aside G.O.Ms.No.84, Minorities Welfare (Wakf-I) Department, dated 04.09.2012.

The petitioner was appointed as Kazi under G.O.Ms.No.20, Minority Welfare (Wakf-I) Department, 03.06.2006, for Tenali Division, Guntur District. On respondent No.3 approaching respondent No.1, the latter has issued the impugned G.O., whereunder he has been appointed as Government Kazi for Ponnur Assembly Constituency, Guntur District.

The main ground on which the petitioner assailed the appointment of respondent No.3 is that as he has already been functioning as Kazi for the entire Revenue

Division, which includes Ponnur Assembly Constituency, the appointment of respondent No.3 is illegal. I do not find any merit in the plea of the petitioner.

Under Section 2 of the Kazis Act, 1880, wherever it appears to the State Government that considerable number of the Mahommedans residing in any local area desires that one or more Kazis should be appointed for such local area, the State Government may after consulting the principal Mahommedan residents of such local area, select one or more fit persons and appoint him or them to be Kazis for such local area.

In Writ Appeal No.1319 of 2009, a Division Bench of this Court, of which I am a party, by order, dated 16.11.2009, held that there is no bar on the State Government to appoint more than one Kazi for the same local area. Therefore, I do not find any reason to invalidate the impugned G.O., more so, when respondent No.3 has been appointed for a specified area i.e., Ponnur Assembly Constituency area, the petitioner cannot have any grievance.

For the above-mentioned reasons, the Writ Petition fails and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.4476 of 2012 is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*31st December, 2013
DR*