

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.12222 of 2015

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Between:

Qazi Khaja Moinuddin Quadri

PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Minority Welfare Department, Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

The letter dated 12.03.2015 addressed by the 2nd respondent-Chief Executive Officer, A.P. State Wakf Board to the Special Secretary to Government Minorities Welfare Department, Government of Telangana, Secretariat, Hyderabad, requesting the Special Secretary to take appropriate action against the delinquent Sri Qazi Khaja Moinuddin Quadri, is under challenge in this writ petition.

Learned counsel for the petitioner by placing reliance on the judgment of the Division Bench of this Court in **Ahmed Moqayyer Shah Khan v. Government of A.P. Minorities Welfare (Wakf) Department** submits that so far as discharge of functions of Kazi are concerned, the Wakf Board has no role to play and the order of the CEO recommending the Government to remove the petitioner as Kazi is totally *mala fide* and illegal.

On the other hand, learned Standing Counsel for the 2nd respondent-Wakf Board submits that it is only an internal communication from the CEO to the Government and the same cannot be challenged by way of writ petition, and hence he prays for dismissal of the writ petition.

Learned Government Pleader appearing for the 1st respondent-Minority Welfare Department submits that there is no cause of action for the petitioner to file a writ petition at this stage, as no proceedings or no enquiry as such have been commenced against the petitioner. In view of the same, the very filing of writ petition itself is premature and it is only apprehension of the petitioner that the respondents would remove him from the post of Kazi.

In the considered opinion of this Court the nature of communication, which is challenged before this Court, cannot give rise to a cause of action for the petitioner, since it is not the question that the propriety on the part of the 2nd respondent to address a letter to the Government, that too, recommending cancellation of appointment given to the petitioner as Kazi without reference to the scope and power under the Wakf Act to send such communications. However that is not an issue before this Court at this stage. Though the learned counsel for the petitioner seeks to raise that issue, suffice it to say that as and when such notice is issued to the petitioner by the 1st respondent-Government, the petitioner is entitled to raise all the objections including the jurisdiction of the 2nd respondent to recommend, in addition to the material on which such recommendation is made, and on any other ground.

In that view of the matter, I do not find any reason to grant the relief sought for in this writ petition. Accordingly, the writ petition is closed. No costs. As a sequel, miscellaneous petitions if any, shall stand closed.

CHALLA KODANDA RAM, J.

24th April, 2015

Js.