

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT PETITION No. 19443 OF 2012

ORDER *(Per the Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)*

The appointment of the fourth respondent, as a Khazi for Secunderabad area, is questioned in this writ petition, among others, on the ground that the Mohammedan residents in the local area, to which the fourth respondent was appointed as a Khazi, were not consulted and the appointment was made only on the recommendations of the local Member of Parliament and the Member of the State Legislative Assembly.

Section 2 of the Khazis Act, 1880 (for short 'the Act') confers a discretion on the State Government to appoint one or more Khazis for a local area. The condition stipulated for exercise of such discretion is that a considerable number of Mohammedan residents in the local areas should desire that a Khazi be appointed, and the principal Mohammedan residents in the local area should be consulted before a person is selected as a Khazi. While consultation with public representatives is not prohibited, a Khazi cannot be appointed solely on the basis of such recommendations as the requirement of the Act is that a considerable number of Mohammedan residents in the locality should desire that a Khazi be appointed, and thereafter the State Government should consult the principal Mohammedan residents of such local area before selecting a Khazi.

The petitioner's grievance is that this mandate of Section 2 of the Act has not been complied with and, despite his submitting two representations on 15.12.2011 and 21.12.2011, no action has been taken by the Government in this regard.

We consider it appropriate, in such circumstances, to direct the first respondent to consider the petitioner's representations in accordance with law and, after affording the fourth respondent an opportunity of being heard, take a decision whether or not the fourth respondent should be continued as a Khazi. The entire exercise, culminating in an order being passed and being communicated to the petitioner and the fourth respondent, shall be completed within a period of three months from the date of receipt of a copy of this order.

The Writ Petition stands disposed of accordingly.

The miscellaneous petitions pending, if any, shall stand dismissed.

There shall be no order as to costs.



RAMESH RANGANATHAN, ACJ

A.SHANKAR NARAYANA, J

Date: 24.10.2016
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