

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

-
HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT APPEAL No. 127 OF 2016

Date: 23.02.2016

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Between:

Mohammed Haneef

... Appellant

And

Mr. Saifuddin Quadri
& another.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APPEAL No. 127 OF 2016

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against an interlocutory order, dated 04.01.2016, whereby WPMP.No.54904 of 2015 filed by respondent No.1 herein seeking suspension of G.O.Rt.No.164, dated 21.12.2015, has been allowed.

Respondent No.1 has filed the writ petition challenging G.O.Rt.No.164, dated 21.12.2015, whereby the Government in exercise of the powers conferred by Section 2 of the Khazis Act, 1880 (for short, "the Act"), appointed respondent No.1 as Government Khazi for Venkatagiri constituency for a period of three years for performing marriages of Muslim community only. It appears from the impugned order that learned Single Judge, *prima facie*, found that the appointment was not made in accordance with the provisions contained in Section 2 of the Act.

We have perused Section 2 of the Act. *Prima facie*, opinion expressed by learned Single Judge in the impugned order, in our opinion, does not warrant interference. The relevant portion of the order impugned in the appeal reads thus:

"Perusal of G.O.Rt.No.164 dated 21.12.2015 reflects that not even a pretence is made of paying lip service to the requirement of Section 2 of the Khazis Act, 1880. There is neither any reflection of an opinion being formed by the Government as to the necessity of

appointing more than a Khazi nor is there any indication of any consultation with the Mohammedan residents of any of the five local areas for which the second respondent was appointed. It appears that the entire exercise was wholly motivated and was in utter violation of the statutory procedure.”

Section 2 of the Act clearly provides that wherever it appears to the State Government that any considerable number of the Muhammadans resident in any local area desire that one or more Kazis should be appointed for such local area, the State Government may, if it thinks fit, after consulting the principal Muhammadan residents of such local area, select one or more fit persons and appoint him or them to be Kazis for such local area. This exercise, *prima facie*, was not undertaken by the Government before issuing the impugned Government order. Hence, we are not inclined to interfere with the order passed by learned Single Judge.

Writ appeal is dismissed.

Miscellaneous petitions, if any, shall also stand dismissed.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

Date: 23.02.2016
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