

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.22895 OF 2016

AND

WP MP No.32098 of 2016

-

ORDER:

WP MP No.32098 of 2016:

For the reasons mentioned in the affidavit filed in support of the petition and there being no objection, this petition is ordered.

WRIT PETITION No.22895 OF 2016:

Heard.

2. The case of the petitioner is that he was appointed as a Naib Qazi by the Qazi and he has been functioning as such till date.

The 1st respondent has incorporated a scheme viz., "Dulhan Scheme" for one time financial assistance of Rs.50,000/- granted at the time of marriage to the minority girl (bride) vide G.O.Ms.No.67 dated 29.04.2015 and Memo No.3518/SDM/A1/2014 dated 15.09.2015. The 3rd respondent, who is the processing authority for sanction of the financial assistance to the bride, is not accepting the marriage certificates issued by the petitioner for sanction of financial assistance to the bride under Dulhan Scheme. Questioning the same, the present writ petition is filed.

3. Learned counsel for the petitioner submits that in terms of the judgment of this Court reported in ***A.P.State Wakf Board v. Hafiz Syed Saleem Basha***^[1], any Qazi can perform

marriages and issue Certificates and there is no rule that the marriages should be performed only by the Government appointed Qazis. Hence, the petitioner is also entitled to issue Certificate confirming the Marriage and the married woman would be entitled to claim the benefit of Dulhan Scheme as per G.O.Ms.No.67 dated 29.04.2015.

4. Learned counsel appearing for the impleaded petitioner-4th respondent submits that his client is the only person, who has been appointed by the Government and who alone is entitled to issue Certificates under the Qazis Act for the Marriages, which shall be valid for the purposes of G.O.Ms.No.67. He further submits that only the Government appointed Qazis would alone be authentic to issue marriage Certificates as otherwise it would lead to Khaos.

5. Learned counsel for the petitioner fairly submits that it is ultimately the third respondent to consider giving the benefit in terms of GO to the eligible persons.

6. Considering the respective submissions, without expressing any opinion on merits, and as the learned counsel for the petitioner as well as learned counsel appearing for the respondents, in unison, seek that the matter may be left to the third respondent with a direction to consider the request of the petitioner as well as the objections that are being raised by the fourth respondent, I deem it appropriate to dispose of the Writ Petition with a direction.

7. For the aforesaid reasons, the Writ Petition is disposed

of directing the third respondent to consider the request of the petitioner made through representation dated 04.06.2016 along with the objections to be filed by the fourth respondent and pass appropriate orders in accordance with law.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed. No order as to costs.

JUSTICE CHALLA KODANDA RAM

August 8, 2016
LMV

[\[1\]](#) 2011(3) ALT 520 (D.B.)