

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.6030 of 2023

ORDER:

The petitioner is a resident of Kandukuru Town. The Government had earlier appointed one Government Kazi, for performance of marriages in Kandukuru Town. Subsequently, respondent No.6 had been appointed as a Government Kazi, by way of G.O.Rt.No.55 dated 15.02.2023 for a Masjid in Kandukuru Town on northern side of O.V Road and Masjid in certain villages in Kandukuru Mandal, for a period of three years, for performing marriages in Principal Mohammedans.

2. The petitioner being aggrieved by the said appointment has approached this Court for a direction that the said G.O is set aside on the ground that the procedure contemplated under Section 2 of the Kazi Act was not followed.

3. Sri Basheer Ahmed, learned counsel for the petitioner would submit that Section 2 of the Kazi Act requires the District Collector to consult and take into account the opinions of the significance members of the Principal Mohammedans residents of the area as to before

selecting one or more fit person to be appointed as Kazis for such local area. He submits that in the present case, the District Collector, Prakasam had consulted the Principal Mohammedans of Kandukuru town and had submitted a report to the Government dated 18.08.2022 stating that Principal Mohammedans appear to be adverse to the appointment of another Government Kazi. However, the Government without going into this recommendation of the District Collector has chosen to issue impugned G.O., appointing the 6th respondent as Kazi for the area which is presently being administered by the existing Kazi. He relies upon a Judgment of a learned Single Judge of the High Court of Telangana dated 10.01.2020 in W.P.No.22315 of 2019.

4. Sri Mohammad Saleem, learned counsel appearing for the 6th respondent disputes the said contentions. He contends that the petitioner has no *locus stande* to file the present writ petition on the ground that he is neither the Kazi nor is affected in any manner by appointment of 6th respondent as a Kazi. He would further submit that the petitioner is the brother-in-law of the present Kazi and has been set up by the present Kazi to file this case.

He would further submit that the impugned G.O was issued by the Government on the basis of a report dated 11.01.2023 issued by the Collector, Nellore District. He would submit that the contention of the petitioner that the report of the District Collector, Prakasam should be taken into account is not tenable as Kandukuru falls within Nellore District as a result bifurcation of Districts and as such the impugned G.O issued by the Government is in order as the report of the District Collector, Nellore dated 11.01.2023 recommended the appointment of the 6th respondent as a Kazi have certain comparisons for Kandukuru town and the area in Kandukuru Mandal. The learned counsel for the petitioner would also draw the attention of this Court to the observation of District Collector, for appointment of another Kazi, is required as the present Kazi is charging exorbitant fees for conduct of marriages in the area.

5. The contention of the petitioner is that the report of the District Collector, Prakasam dated 18.08.2022 was disregarded by the Government and as such the hesitation with the Principal Mohammedans of the area, required under Section 2 of the Kazi Act was not complied. This contention

cannot be accepted as the Government relied upon the report of the District Collector, Nellore dated 11.01.2023 for issuing the impugned G.O appointing the 6th respondent as a Kazi.

6. The Judgment cited by the learned counsel for the petitioner would also not be applicable in the present case as there has been no violation of the requirement under Section 2 of the Kazi Act.

7. This Court is not going into the question of whether the existing Kazi is charging an exorbitant fee or not as the said statement has been recorded without any opportunity being given to the present Kazi to rebut the same.

8. However, in the absence of any violation of Section 2 of the Kazi Act, this Court does deem it appropriate to interfere in this matter.

9. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

R. RAGHUNANDAN RAO, J.

03.05.2023
RJS

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