

[ 3418 ]

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**MONDAY, THE NINTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE IO  
AND  
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**WRIT APPEAL NO: 1059 OF 2024**

Writ Appeal under clause 15 of the Letters Patent Writ Appeal preferred against the order dated 30/07/2024 in W P No 1365 of 2024 on the file of the High Court.

**Between:**

Qazi.Syed khader Mohiuddin, S/o Syed Asifuddin Age about 58 yrs, Occ  
Govt. Qazi R/o Durki village , Nasrullahbad Mandal, Kama Reddy District

**...APPELLANT**

**AND**

1. The State of Telangana, Rep by its Principal Secretary to Govt Minority Welfare Dept Secretariat Hyderabad
2. The Collector and District Magistrate, Kama Reddy Dist
3. The Revenue Divisional Officer, Kama Reddy District
4. Syed Mohiullah Hussain, S/o Syed Arshad Pasha, Age about 58 yrs, Occ Govt. Qazi R/o Durki village , Nasrullahbad Mandal Kama Reddy District
5. Mohiullah Hussaini alias Shakeel, S/o Ameerullah Hussaini Age about 58 yrs, Occ Govt. Qazi R/o Durki village , Nasrullahbad Mandal, Kama Reddy Distric

**...RESPONDENTS**

**IA NO: 2 OF 2024**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the learned single Judge Order 30/07/2024 in W.P. 1365/2024 pending the above Writ Appeal as otherwise the petitioner will suffer irreparable damage and hardship which cannot be compensated in any mode in the interest of justice

**Counsel for the Appellant: SRI. SULTAN MOHIUDDIN REP.  
SRI SHAFATH AHMED KHAN**

**Counsel for the Respondent No.1 to 3 : SRI MOHAMMED IMRAN KHAN,  
ADDITIONAL ADVOCATE GENERAL FOR THE STATE**

**Counsel for the Respondent No.4: SRI MIRZA SAFIULLA BAIG  
Counsel for the Respondent No.5: SRI MOHD NASEER UDDIN**

**The Court made the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT APPEAL No.1059 of 2024**

**JUDGMENT:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Sultan Mohiuddin, learned counsel representing Mr. Shafath Ahmed Khan, learned counsel for the appellant.

Mr. Mohammed Imran Khan, learned Additional Advocate General for the State.

Mr. Mirza Safiulla Baig, learned counsel for the respondent No.4.

2. This intra court appeal is directed against the order dated 30.07.2024 passed by the learned Single Judge by which the writ petition preferred by the appellant, namely W.P.No.1365 of 2024, has been dismissed.

3. Facts giving rise to filing of this appeal briefly stated are that the appellant claims to have been appointed as



Government Khazi vide G.O.Ms.No.44, dated 18.10.2019, for a period of three years. The appellant, on expiry of the period of three years, filed a representation dated 22.01.2022 seeking modification of the aforesaid Government Order insofar as it pertains to the tenure of three years. The Principal Secretary to Government, Minorities Welfare Department, vide Memo dated 09.02.2022, referred the representation submitted by the appellant to the District Collector. However, the District Collector did not pass any order. Thereupon, the appellant filed the writ petition, namely W.P.No.16437 of 2023, which was disposed of by a learned Single Judge of this Court by an order dated 28.06.2023 with a direction to the District Collector to act upon the Memo issued by the Principal Secretary to Government after giving an opportunity of hearing to the appellant.

4. The District Collector, by an order dated 08.09.2023 appointed the respondent No.5 as Khazi in respect of the area allotted to the appellant. The appellant thereupon challenged the aforesaid proceeding dated 08.09.2023 in a

writ petition. The learned Single Judge, by an order dated 30.07.2024, has dismissed the writ petition, *inter alia*, on the ground that Section 2 of the Kazis Act, 1880, empowers the State Government to appoint one or more Khazis depending on the necessity as the State Government deems fit and proper after consulting the principal Muhammadan residents of such local area. Hence, this appeal.

5. Learned counsel for the appellant submitted that the appellant is aggrieved by the procedure adopted for appointment of the respondent No.5, as the Muhammadan residents of the local area were not consulted.

6. We have considered the submissions made on behalf of the appellant and have perused the record.

7. Admittedly, under the Kazis Act, 1880, the appellant has no statutory right to claim appointment for a lifetime as Khazi. The District Collector directed the Tahsildar to conduct an enquiry and upon holding the enquiry, the District Collector has issued the proceeding dated 08.09.2023 by which the respondent No.5 has also been

appointed as Khazi. Thus, it is not possible to accept the contention urged on behalf of the appellant that the principal Muhammadan residents of the local area were not consulted. In any case, in the absence of any statutory right to seek appointment as a sole Khazi for a particular area, no writ of mandamus, as sought for by the appellant, can be issued.

8. For the aforementioned reasons, we do not find any ground to differ with the view taken by the learned Single Judge.

9. In the result, the appeal fails and is hereby dismissed.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

SD/- K. SAILESHI  
DEPUTY REGISTRAR

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SECTION OFFICER

- To,
1. One CC to SRI. SHAFATH AHMED KHAN Advocate [OPUC]
  2. Two CCs to ADDITIONAL ADVOCATE GENERAL, High Court for the State of Telangana at Hyderabad [OUT]
  3. One CC to SRI. MIRZA SAFIULLAG BAIG, Advocate [OPUC]
  4. One CC to SRI. MOHD NASEER UDDIN, Advocate [OPUC]
  5. Two CD Copies

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**HIGH COURT**

**DATED:09/09/2024**

**ORDER**

**WA.No.1059 of 2024**



**DISMISSING THE WRIT APPEAL WITHOUT COSTS**

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