



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3460]

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 19412/2025

Between:

1. N SYAD HUSSAIN, S/O. N.S. DA WOOD, AGED ABOUT 53 YEARS, OCC GOVERNMENT KHAZI FOR ATMAKUR MANDAL R/O D.NO. 17-40, KISHANSIMG VEEDHI, ATMAKUR(VILLAGE AND MANDAL), NANDYAL DISTRICT ERSTWHILE KURNOOL DISTRICT, ANDHRA PRADESH - 518422.

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPLE SECRETARY MINORITIES WELFARE DEPT, SECRETARIAT VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.

2. THE DISTRICT COLLECTOR, NANDYAL DISTRICT ERSTWHILE KURNOOL DISTRICT, A.P.

3. THE DISTRICT MINORITY WELFARE OFFICER, NANDYAL DISTRICT ERSTWHILE KURNOOL DISTRICT, A.P.

4. THE ANDHRA PRADESH STATE WAKF BOARD, REP. BY ITS CHIEF EXECUTIVE OFFICER (CEO), 4TH FLOOR, IMDAD GHAR BUILDING, KALESWARA RAO MARKET,

TARAPET, VIJAYAWADA NTR DISTRICT, PIN-520001.

5.SHAIK MUTHUJA VALI, S/O. SHAIK KHAJA, AGED ABOUT 28 YEARS, R/O D.NO. 2-531, URBAN COLONY, ATMAKUR(VILLAGE AND MANDAL), NANDYAL DISTRICT ERSTWHILE KURNOOL DISTRICT, ANDHRA PRADESH - 518422

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toplease to issue writ, or orders or a direction, more particularly one in the nature of Mandamus declaring the action of the 1st respondent in appointing the 5th respondent as government khazi for Atamukur Mandal, Nandyal District in addition to the existing khazi initially for a period of ten (10) years for performing marriages of Muslim Community. Vide G.O.Ms. No. 62 dated 16.07.2025, Minority Welfare (IDM-I) Department, without there being any requirement, new khazi in the area of existing khazis jurisdiction as illegal, arbitrary against all cannons of fair play and natural justice and contrary to provisions of khazis act 1880 and offence article 14, 21, 19 (i) (g) of the constitution of India and consequently set aside the impugned G.O.Ms. No. 62 dated 16.07.2025, Minority Welfare (IDM-I) Department and to pass

IA NO: 1 OF 2025

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 pleased to suspend the operation of the G.O.Ms. No. 62 dated 16.07.2025, Minority Welfare (IDM-I) Department issued by the 1st respondent pending disposal of the writ petition and pass

IA NO: 1 OF 2026

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 May be pleased to Restore the above Writ Petition No. 19412 of 2025 to its original number by setting aside the dismissal order dated 10.02.2026, direct listing of the Writ Petition for further hearing at an early date and Pass

Counsel for the Petitioner:

1.ANCHA PANDURANGA RAO

Counsel for the Respondent(S):

1.GP FOR SOCIAL WELFARE

2.SHAIK KHAJA BASHA

The Court made the following:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY**W.P.No.19412 of 2025****ORDER:**

1. The present Writ Petition is filed questioning the appointment of Respondent No.5 as Government 'Khazi' for Atmakur Mandal, Nandyal District *vide* G.O.Ms.No.62 (Minority Welfare (IDM-I) Department), dated 16.07.2025, as illegal and arbitrary.

2. The Petitioner was appointed as a 'Khazi' for Atmakur Mandal, Nandyal District (erstwhile Kurnool District) *vide* G.O.Rt.No.87 (Minority Welfare (IDM) Department), dated 08.07.2020, as per Section 2 of the Kazi's Act, 1880 (for short, 'the Act'). Later, the tenure of the Petitioner was extended for a further period of 10 years *vide* G.O.Ms.No.54 (Minority Welfare (IDM-I) Department), dated 07.11.2023. While so, Respondent No.5 was appointed as 'Khazi' for Atmakur Mandal, Nandyal District, *vide* impugned proceedings under Section 2 of the Act. Hence, the present Writ Petition is filed.

3. Learned counsel for the Petitioner submitted that in the absence of any requirement, the appointment of Respondent

No.5 under the impugned proceedings cannot be sustained. It was further submitted that the Muslim religion population in Atmakur Mandal of Nandyal District is low and the 'Khazi' hardly gets a chance to perform marriage ceremonies, and the appointment of Respondent No.5 takes away the livelihood of the Petitioner.

4. Learned counsel for the Petitioner further relied upon a Judgment delivered by Division Bench of this Court in W.A.No.127 of 2016, dated 23.02.2016.

5. Learned Assistant Government Pleader submitted that there is no bar for the appointment of 'Khazi' under the Act as long as the same is a prerogative. In this case, it was further submitted that the impugned G.O. was issued on the basis of the report received from the District Collector and Magistrate, Nandyal District, and hence, the same does not be interfered.

6. Heard Sri Ancha Pandu Ranga Rao, learned counsel for the Petitioner and learned Assistant Government Pleader.

7. The Act was enacted in the year 1880, and Section 2 of the Act enables the Government to appoint a 'Khazi'. There is

no bar for the Government under Section 2 of the Act to appoint more number of 'Khazi's' in a particular area, subject to the exercise of discretion for valid reasons.

8. The impugned proceedings were issued pursuant to a proposal issued by Respondent No.2 recommending for appointment of Respondent No.5, considering the fact that the Respondent No.5 had completed Moulvi, Hafeez and Qari course in Arabic language from Darul Ul Uloom Sabeerlur Rashad Arabic College, Bangalore.

9. The impugned proceedings also mentioned that the Principal Muhammadans of the local area have also given their consent for the appointment of Respondent No.5 as 'Khazi' and the Muslim population in Atmakur Mandal is more than 30,000, and there is a need for another 'Khazi' in the Atmakur Mandal. It was in that context that the impugned proceedings were issued.

10. A reading of the impugned G.O. indicates that all the necessary conditions for issuance of appointment of 'Khazi' have been tick-boxed by the Respondent No.1 and there is no

reason for this Court to interfere with the impugned proceedings.

11. As regards the Division Bench Judgment which was relied upon by the learned counsel for the Petitioner was a case where the impugned proceedings therein were issued without compliance of the conditions prescribed under Section 2 of the Act. The Division Bench Judgment and facts in that case are different and are not applicable to the facts of this case.

12. In the light of the above, this Court does not find any merit in the contention of the learned counsel for the Petitioner and accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in this Petition shall stand closed.

NYAPATHY VIJAY, J

Date: 23.04.2026
chs

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

207

WRIT PETITION NO:19412/2025

Dt. 23.04.2026

chs