

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE No: W.A.No.624 of 2023

PROCEEDING SHEET

S. No.	DATE	ORDER	OFFICE NOTE
05.	01.08.2024	<u>CJ & JSR, J</u> <u>I.A.Nos.2 of 2023, 4 of 2023 and 5 of 2023</u> Mr. V.Ganesh Bhujanga Rao, learned counsel for the petitioner/proposed respondent in I.A.No.2 of 2023. Mr. P.Pandu Ranga Reddy, learned counsel for the petitioner/proposed respondent in I.A.No.5 of 2023. Mr. P.Venugopal, learned Senior Counsel representing Mr. Mir Lukman Ali, learned counsel for respondent Nos.1 and 2/appellants. Mr. Mohammed Imran Khan, learned Additional Advocate General and Mr. G.Veerawamy, learned Government Pleader for Social Welfare Department for respondent No.3. Mr. Abu Akram, learned Standing Counsel for Telangana State Waqf Board for respondent No.4. Heard on I.A.Nos.2 of 2023, 4 of 2023 and 5 of 2023. A Bench of this Court by an order dated 28.12.2023 had directed that the	

	interlocutory applications shall be considered at the time hearing of the appeal. However, at the insistence of the counsel for the implead petitioners, the aforesaid interlocutory applications are listed for consideration. We have heard learned counsel for the parties at length. Admittedly, the implead petitioners had filed applications seeking their impleadment in the writ petition namely W.P.No.6083 of 2023 before the learned Single Judge as well. Learned Single Judge has dealt with the applications filed by the implead petitioners in the following terms: “8. While the matter is pending for consideration before this Court, several third parties have filed implead applications seeking permission of this Court to come on record to resist the relief that is sought for in this Writ Petition. From the material placed before this Court by the third parties through the implead applications, it is noticed that the issue relating to issuance of Marriage Booklets (Siyahjaths) by respondent No.2 and the fee to be payable to the Qazis for the purpose	
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		of performing the Marriages etc., has already come up for consideration before this Court in Writ Petition No.634 of 2005, wherein a learned Single Judge of this Court has considered the validity of circular No.9/Qazat/2000, dated 30.11.2002. Through the said circular, respondent No.2 made it mandatory for all the Qazis to purchase the Marriage Booklets and Siyanamas from respondent No.2 herein. By an order, dated 20.01.2011, in Writ Petition No.634 of 2005, a learned Single Judge of this Court declared that respondent No.2 has no power to issue such circular under the Kazis Act, 1880 (for short 'the Act, 1880'), and against the said order of the learned Single Judge of this Court an appeal was filed in Writ Appeal No.70 of 2011 and a Division Bench of this Court by judgment, dated 30.04.2011, confirmed the order passed by a learned Single Judge of this Court. The relevant portion of the said judgment reads as under:- “Coming to the challenge thrown to the Circular requiring the Kazi to purchase marriage booklets, we do not find any power traceable to the provisions of the Act, rightly so because the Act does not confer any legal right on him by such appointment and does not mandate	
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		performance of marriages by him alone. More so, as stated above, the Act leaves the parties free to make a choice of a Kazi, and it is only the nikkanama (the deed of nikka) which is recognized to be the only legally valid document.” 12. Accordingly, the Writ Petition is dismissed. No costs.” As a sequel, miscellaneous petitions, pending if any in this Writ Petition, shall stand dismissed. No costs.” Thus, it is evident that the applications seeking impleadment filed by the implead petitioners have been rejected by the learned Single Judge. Therefore, the applications filed by implead petitioners in the intra court appeal cannot be entertained. However, liberty is granted to the implead petitioners to take recourse to such remedy as may be available to them in law. Accordingly, I.A.Nos.2 of 2023, 4 of 2023 and 5 of 2023 are disposed of with the aforesaid liberty. CJ (AAJ) JSR, J KL	
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