



CNR: KAHC010328462026

NC: 2026:KHC:49086
MFA No. 3205 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 3205 OF 2026 (RES)

BETWEEN:

1. JAMIA MASJID AHLE SUNNATHUL JAMATH
HOSKOTE TOWN
BENGALURU-562 114
REP.BY ITS AD-HOC COMMITTEE
PRESIDENT - SYED NAWAZ
2. MR. SYED NAWAZ
S/O MR.SYED ABDUL RAZAK
MAJOR
R/AT NEAR MASJID
NEW ROAD HOSKOTE
BENGALURU-562 114
3. MR.FAZIL AHMED
S/O MR. BASHEER AHAMED
MAJOR
R/AT NEW ROAD, NEAR MASJID
NEW ROAD HOSKOTE
BENGALURU-562 114
4. MR. EJAZ AHMED SHARIEF
S/O MR. P.P USMAN SHARIEF
MAJOR
R/AT NEW ROAD, NEAR MASJID
NEW ROAD HOSKOTE
BENGALURU-562 114
5. MR. AIYAZ PASHA
S/O MR. SYED RASHEED
MAJOR
R/AT NEW ROAD NEAR MASJID

 Digitally signed
by
GAVRIBIDANUR
SUBRAMANYA
GUPTA
SREENATH
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010328462026

NC: 2026:KHC:49086
MFA No. 3205 of 2026

NEW ROAD HOSKOTE
BENGALURU-562 114

6. MR. JAVID PASHA
S/O MR. ABDUL WAJID
MAJOR
R/AT NEW ROAD, NEAR MASJID,
NEW ROAD HOSKOTE
BENGALURU-562 114
7. MR. NAYAZ AHMED,
S/O MR. ABDUL JABBAR
MAJOR
R/AT NEW ROAD, NEAR MASJID,
NEW ROAD HOSKOTE
BENGALURU-562 114
8. MR. MOHAMMED NAWAZ
S/O MR. SARDAR
MAJOR
R/AT NEW ROAD NEAR MASJID,
NEW ROAD HOSKOTE
BENGALURU-562 114,

...APPELLANTS

(BY SRI. M.H.HANEEF.,ADVOCATE)

AND:

1. MR.AYAZ PASHA
S/O MR.WAZIR PASHA
MAJOR
R/AT MUTTON MARKET RAOD
RAJAPURAPETH, HOSKOTE
BENGALURU-562 114
2. MR. MUKHTIYAR @ANNU
S/O MR. ABDUL RAZAK
MAJOR
R/AT MUTTON MARKET ROAD
RAJAPURAPETH, HOSKOTE
BENGALURU-562 114



CNR: KAHC010328462026

NC: 2026:KHC:49086
MFA No. 3205 of 2026

3. THE KARNATAKA STATE BOARD OF AUQAF
DAR UR AUQAB
NO.6, CUNNINGHAM ROAD
BENGALURU-560 052
REP. BY ITS
THE CHIEF EXECUTIVE OFFICER

...RESPONDENTS

(BY SRI.MOHAMMED SULTAN .,ADVOCATE FOR C/R1 & C/R2;
SRI. S.MOHAMMED AIYAZ., ADVOCATE FOR R-3)

THIS MFA IS FILED U/S.83(9) OF WAQF ACT, AGAINST
THE JUDGMENT AND AWARD DATED. 27/04/2026 PASSED IN
APPLICATION NO. 11/2026 ON THE FILE OF THE KARNATAKA
WAQF TRIBUNAL, BENGALURU., PARTLY ALLOWING
APPLICATION FILED U/S.83(2) OF UNIFIED WAQF
MANAGEMENT, EMPOWERMENT, EFFICIENCY AND
DEVELOPMENT ACT 1995.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

This appeal is preferred by the appellants, who are
respondent nos.2 to 9 before the *Waqf* Tribunal in
Application No. 11 of 2026.

2. The brief facts leading to filing of this appeal are
as under:



NC: 2026:KHC:49086
MFA No. 3205 of 2026

2.1 Respondent nos.1 and 2 herein had preferred the application before the *Waqf* Tribunal under Section-83(2) of Unified *Waqf* Management, Empowerment, efficiency and Development Act, 2025, ('**UMEED Act**' for short) seeking to set aside the order bearing No.KSBA/CMC/05/BNR/2025-2026 dated 16.02.2026 passed by the respondent no.3 - Karnataka State Board of Auqaf ('**Board**' for short) constituting an ad hoc committee for the management of the appellant no.1 - *Waqf* institution and for a direction to the respondent no.3 - Board to approve the Managing Committee elected by the general body of the appellant no.1 institution dated 04.04.2022.

2.2 The appellant no. 1 - Jamia Masjid Ahle Sunnathul Jamath is a notified *Waqf* Institution under the supervision of the respondent no.3/Board. Appellant nos.2 to 8 are members of an *adhoc* managing committee constituted under the order dated 16.2.2026 passed by



CNR: KAHC010328462026

the respondent no.3/Board. They are permanent residents of the area where appellant no.1 – *Waqf* institution situated and they are also members of the General Body of appellant no.1 institution. The respondent nos.1 and 2 were also members of the Managing Committee elected by members of General Body of appellant no.1 institution on 27.3.2022.

2.3. The appellant no.1 *Waqf* institution is being administered as per the provisions of approved Scheme of Administration. The election for constitution of Managing Committee for management of appellant no.1 institution was conducted on 27.3.2022. However, the result of this election was withheld as per order passed in Application No.03/2022 on the file of the Tribunal initially. Later as per order of the Tribunal, the result of the said election was declared on 1.4.2022. After declaration of election result dated 1.4.2022, the elected Managing Committee submitted representation to respondent no.1 requesting to



accord approval for their managing committee which was elected by the general body of appellant no.1 institution. The Board did not consider the representation and constituted an ad hoc Managing Committee consisting of appellant nos.2 to 8 for the management of the appellant no. 1 institution. It is this order of appointment of the *adhoc* Committee that was challenged by the respondent nos.1 and 2 before the *Waqf* Tribunal.

2.4 On hearing the parties, the *Waqf* Tribunal, taking into consideration all aspects of the matter, allowed the application in part and set aside the order passed by the respondent no.3/Board dated 16.02.2026. The respondent no.3/ Board was directed to issue direction to the District *Waqf* Officer concerned to assume the charge of the appellant no.1 *Waqf* institution and get constituted regular Managing Committee within a period of 3 months as per Rule 54(4)(5) of Karnataka *Waqf* Rules 2017. It is this order that is questioned by the appellant no.1 - *Waqf*



CNR: KAHC010328462026

NC: 2026:KHC:49086
MFA No. 3205 of 2026

institution and appellant nos.2 to 8, who are members of the *ad hoc* management committee constituted under the order dated 16.2.2026 passed by respondent no.3/Board, in this appeal.

3. During the course of arguments, learned counsel for the appellants and learned counsel for the respondents. together submit that they would not have much objection if the appellant no.1 - *Waqf* institution is properly administered and elections are properly conducted and the management takes care of the welfare of the *Waqf* institution. It is also not in dispute, in several instances earlier, the Court has appointed several administrators and caretakers for the management of the day-to-day affairs of the institution for the welfare of the *Waqf* institution. But, however for proper management and running of the institution to show accountability and responsibility, it would be in the interest of the *Waqf* Institution and so also the members of the *Waqf* that a



election is conducted for proper management including the finances and other aspects related to the *Waqf* Institution. The Appellant no.1 – Jamia Masjid Ahle Sunnathul Jamath, Hosakote town, Bengaluru, is admittedly a notified *Waqf* Institution which is not in dispute. The management and administration of the said *Waqf* institution is governed by the scheme of administration duly approved by the Board. These places viz., Idgah, graveyard and Masjid-e-Zahiriya legally belong to or connected with the appellant no.1 - Jamia Masjid Ahle Sunnatul Jamath, and their administration falls under the same *Waqf* institution governed by the approved scheme.

4. Therefore, in the interest of the *Waqf* and the members of the *Waqf*, all the parties to the present appeal together agree that the Enrolment officer shall be appointed by the Board for the purpose of enrolling members as per the bye-laws and terms and conditions. Pursuant to the enrolment, electoral roll to be published



CNR: KAHC010328462026

and finalize the valid members. The same shall be published by the Enrolment Officer of the Board in the Waqf Institution in a prominent place. Pursuant thereto, an Election Officer shall be appointed for conducting the election for the constitution of the management of the *Waqf* Institution in accordance to the by-laws strictly.

5. Thereafter, the election officials shall prepare a calendar of events, publish the same in accordance with the bye-laws, and conduct the election in accordance with the bye-laws and the rules constituting the *Waqf* institutions. Hence, in view of there being unanimity between the appellants and the respondents, this Court need not delve into the merits of the matter. It would suffice to pass an order for a direction to the *Waqf* Board to appoint an Enrolment officer, for enrolment of the members and thereafter an Election Officer for conducting the elections in accordance with the bye-laws and the provisions therein, in confirmity with the Act. A responsible



CNR: KAHC010328462026

NC: 2026:KHC:49086
MFA No. 3205 of 2026

officer shall be nominated and appointed by the Board as an Enrolment Officer and so also as an Election Officer for conducting the elections. The entire process shall be conducted in a transparent manner in accordance with the bye-laws and the rules.

6. In view of the above, this Court deems it appropriate to **dispose of** the present appeal with the following directions:

- i) The impugned order dated 27.4.2026 passed by the *Waqf* Tribunal in Application No.11 of 2026 is modified.
- ii) The respondent no.3/*Waqf* Board is hereby directed to appoint an Enrolment Officer within a period of **fifteen** (15) days from the date of receipt of copy of this order for the purpose of enrolling members for the general body of the appellant no.1 - *Waqf* Institution. Subsequent thereto, respondent



CNR: KAHC010328462026

No.3/Board shall appoint an Election Officer for conducting of election to the *Waqf* institution by following due process of law as per the bye-laws, the rules and regulations.

- iii) The entire process in pursuance to the appointment of the Enrolment Officer and Election Officer such as publishing the electoral rolls, final electoral rolls and thereafter publishing the calendar of events and conducting of elections in the manner known to law shall be completed within a period of **four months** from the date of the appointment of the Enrolment Officer.
- iv) All the parties shall cooperate with the Board and the Enrolment Officer and so also the Election Officer, without causing any interference in performing their duties in accordance with the rules and the bye-laws.



CNR: KAHC010328462026

- v) The *adhoc* committee shall not interfere with the Enrolment Officer in the enrolment of the members to the *Waqf*.
- vi) In view of the fact that there is a possibility of the appellant nos.2 to 8 participating and contesting in the ensuing elections, it would be appropriate for the respondent no.3/Board to take over the management of the affairs of the institution from the *adhoc* committee as soon as the appointment of the Election Officer, either way.
- vii) The appellant nos.2 to 8, who are the *adhoc* Committee members shall continue to run only the day-to-day affairs of the appellant no.1 institution and shall hand over the charge to the respondent no.3/Board as soon as appointment of Election Officer, without causing any untoward incident. Thereafter,



CNR: KAHC010328462026

**NC: 2026:KHC:49086
MFA No. 3205 of 2026**

the respondent no.3/Board shall hand over charge to the elected body.

viii) This Court hopes and trusts that the parties to the proceedings cooperate for a peaceful election without creating any untoward incident.

Ordered accordingly.

**Sd/-
(PRADEEP SINGH YERUR)
JUDGE**

GSS
List No.: 1 Sl No.: 32