



CNR: KAHC010563842026

NC: 2026:KHC:43120
WP No. 25303 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 25303 OF 2026 (GM-WAKF)

BETWEEN:

1. SRI. ABUBAKKAR
S/O. LATE AHAMMED BYARI,
AGED ABOUT 74 YEARS,
R/AT NO. 2-67A,
N.R. MANZIL,
NEW HOUSE KOMBAGUDDE,
MALLAR VILLAGE, KAUP TALUK,
UDUPI DISTRICT - 574 106.

... PETITIONER

(BY SRI. MOHAMMED SULTAN., ADVOCATE)

AND:

1. THE KARNATAKA STATE BOARD OF AUQAF
DARUL AWAQF, NO. 6, CUNNINGHAM ROAD,
BENGALURU - 560 052.
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER.
2. THE DISTRICT WAQF OFFICER
DISTRICT WAQF OFFICE,
UDUPI DISTRICT,
MOULANA AZAD BHAVAN,
1ST FLOOR, ALEVOOR ROAD,
MANIPAL,
UDUPI DISTRICT - 576 104.
3. POLIPU JAMIYA MASJID
ULIYARGOLI, KAUP TALUK,
UDUPI DISTRICT - 574 106,
REPRESENTED BY ITS CARETAKER /
DISTRICT WAQF OFFICER, UDUPI

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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4. SRI. AMIR HAMZA,
S/O RAJAB BYARI,
AGED ABOUT 50 YEARS,
BHARATH NAGAR, ULİYARAGOLI,
KAUP TALUK,
UDUPI DISTRICT - 574 106.

... RESPONDENTS

(BY SRI. P. USMAN, ADVOCATE FOR R1 & R2,
V/O DATED 12.08.2026;
NOTICE TO R3 AND R4 IS DEFERRED FOR NOW,
V/O DATED 12.08.2026)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO I. QUASHING THE IMPUGNED
NOTICE DATED 23.07.2026 ISSUED BY RESPONDENT NO. 2
BEARING REF NO. DWO/UDP/111/MSD/2026-27 (ANNEXURE-A) AND
ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the
following reliefs:

- i. *Issue a Writ of Certiorari or any other appropriate Writ, Order, or Direction, quashing the Impugned Notice dated 23.07.2026 issued by Respondent No.2 bearing Ref No.DWO/UDP/111/MSD/2026-27 (Annexure-A);*
- ii. *Issue a Writ of Mandamus or any other appropriate Order directing Respondent Nos. 1 and 2 to:*
 - a) *Consider the Representation / Objection dated 31.07.2026 submitted by the Petitioner (Annexure-B);*



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b) Audit the 4 years' financial accounts of Respondent No. 3 Institution

c) Prepare a complete and comprehensive voter list including all 300+ eligible adult Jamath members after giving due opportunity for claims and objections; and

d) Conduct a fair, democratic election through a secret ballot process by issuing a proper Election Calendar of Events;

iii. Pass such other order or directions as this Hon'ble Court deems fit in the interest of justice and equity.

2. The petitioner claims to be a long-standing resident of Kaup Taluk in Udupi District and states that he is interested in the proper administration of respondent No.3-Waqf.
3. Respondent No.3 is a Waqf institution governed by the provisions of the Waqf Act, 1995 and the Karnataka Waqf Rules, 2017. It is not in dispute that the institution is presently under the direct management of respondent No.2, the District Waqf Officer, who is functioning as a Caretaker in terms of Rule 54(5) of the Karnataka Waqf Rules, 2017.
4. The grievance of the petitioner is that respondent No.2 has convened a meeting on 14.08.2026 for the purpose of constituting the Management Committee



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of respondent No.3. According to the petitioner, the proposed meeting has not been convened after notifying all the members of the Waqf or the Jamath. It is alleged that nearly 300 members have been excluded from the process and that the proposed exercise is intended to result in the selection of a Management Committee instead of an election in accordance with law.

5. It is further contended that the Caretaker has continued to manage the affairs of the Waqf for nearly four years without a duly constituted Management Committee being in place. It is also alleged that the accounts of the Waqf have not been audited for a considerable period. On these grounds, the petitioner submits that the meeting scheduled for 14.08.2026 should not be permitted to proceed.
6. Notice has been issued to the respondents.
7. Sri P. Usman, learned counsel appearing for respondents No.1 and 2, submits that the Management Committee will be constituted strictly in accordance with the provisions contained in Chapter VI of the Karnataka Waqf Rules, 2017, read with Form No.42, which contains the Model Bye-laws governing the constitution of Managing Committees.



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8. Learned counsel further submits that the District Waqf Officer shall scrupulously follow the entire procedure prescribed under the Rules while constituting the Management Committee and that no deviation from the statutory procedure will be permitted.
9. it is true that respondent No.3 has remained under the management of a Caretaker for nearly four years without a duly constituted Management Committee. If the petitioner's allegation regarding the absence of audits or other irregularities is correct, those are matters which may require examination by the competent authority in accordance with law. However, the existence of those allegations cannot, by itself, justify preventing the process of constituting a regular Management Committee. On the contrary, the constitution of a duly elected Management Committee is intended to restore normal administration to the institution.
10. It is also relevant that the petitioner has approached this Court only on the eve of the meeting scheduled for 14.08.2026. Despite the Caretaker having continued in office for nearly four years, no explanation is forthcoming as to why the petitioner did not seek appropriate relief at an earlier point of



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time. The belated challenge, made immediately before the proposed meeting, does not justify the grant of an interim order restraining the statutory process.

11. More importantly, a categorical statement has been made before this Court by the learned counsel appearing for the Karnataka State Waqf Board that the entire procedure prescribed under Chapter VI of the Karnataka Waqf Rules, 2017 and the Model Bye-laws will be strictly followed while constituting the Management Committee. The Court has no reason to doubt the said statement. If the statutory procedure is not followed or if any illegality is committed during the process, it will always be open to an aggrieved person to challenge such action in accordance with law. However, this Court cannot proceed on the assumption that the statutory authorities will act contrary to law, particularly when a clear assurance has been given to the contrary.
12. In view of the above, no case is made out for staying the meeting proposed to be held on 14.08.2026. The respondents shall, however, ensure that the Management Committee is constituted strictly in accordance with the provisions of the Waqf Act, 1995, the Karnataka Waqf Rules, 2017 and the



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applicable Model Bye-laws. All the rights and contentions of the petitioner are kept open in the event any violation of the statutory provisions is established.

13. In that view of the matter, this Court passes following:

ORDER.

- i) Writ petition is ***dismissed***.
- ii) This Court refrains from imposing any cost on the petitioner considering that the petitioner is a senior citizen, but he is warned not to interfere in the affairs of the running of the Waqf in the manner as done.
- iii) If at all the petitioner has any grievance, he is at liberty to approach the Waqf Tribunal seeking appropriate relief.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

KTY
List No.: 1 Sl No.: 31