

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&**

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

CRP.No. 570 of 2008 (A)

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AGAINST THE ORDER/JUDGMENT IN W.O.S 18/2007 of WAKF TRIBUNAL, ERNAKULAM
DATED 18-01-2008**

REVISION PETITIONER(S):

**MUTHAWALLI, MADEENA MASJID,
PULLEPPADY AND M/S.COCHIN ISLAMIC WELFARE TRUST,
REP. BY ITS CHAIRMAN, P.K.HASHIM, S/O.ABDUL RAHIMAN,
BUSINESS, R/AT.HOUSE NO.39/515, BONANZA,
ARANGATH CROSS ROAD, ERNAKULAM.**

**BY ADVS.SRI.SAJU.S.A
SRI.T.U.ZIYAD
SRI.C.S.ABDUL SAMMAD**

RESPONDENT(S):

- 1. KERALA JAMA ATH ISLAMI HIND,
DISTRICT OFFICE, PULLEPPADY, ERNAKULAM,
KERALA. REP. BY ITS DISTRICT PRESIDENT.**
- 2. BASHEER MUHIYIDHEEN,
S/O.MOIDU MOULAVI, PRESENTLY R/AT. ISLAMIC CENTRE,
PULLEPPADY, KOCHI-18.**
- 3. IMAM, MADEENA MASJID,
PULLEPPADY, ERNAKULAM.**
- 4. KERALA STATE WAKF BOARD,
REP. BY ITS CHIEF EXECUTIVE OFFICER,
WAKF BOARD BUILDING, KALOOR, KOCHI-17.**

**R1 & R2 BY ADVS. SRI.T.H.ABDUL AZEEZ
SRI.P.RAJEEV KUMAR**

**R4 BY ADV. SRI.A.A.ABUL HASSAN, SC, WAKF BOARD
R3 BY ADV. SRI.SUNIL V.MOHAMMED**

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON
31-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

DG

**THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.**

C.R.P.No.570 of 2008

Dated this the 31st day of August, 2015

O R D E R

Thottathil B.Radhakrishnan, J.

1. Adv. Shibili Naha appears for the Wakf Board.
2. The plaintiff, who is the revision petitioner, filed a suit for injunction before the Wakf Tribunal on the allegation that he was forcefully evicted and the defendants have no manner of right to obstruct the Imam or the plaintiff from discharging duties and that the defendants cannot disturb daily prayers and Friday prayer in the Masjid.
3. On contest being levied by the defendants, evidence was adduced. The Tribunal looked into the material evidence and concluded that the 2nd defendant is continuing as

Imam/Khatheeb of the Madeena Masjid since 1996 and there is no reason to grant reliefs sought for.

In spite of absence of the counsel for the rival parties, we have examined the material evidence. No grounds exist to interfere with the impugned decision of the Tribunal.

In the result, this C.R.P is dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(ANU SIVARAMAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG