

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

CRP.No. 500 of 2011

AGAINST THE JUDGMENT IN OA 7/2010 of WAKF TRIBUNAL, KOLLAM

REVISION PETITIONERS/PETITIONERS/RESPONDENTS:

- 1.VADAKKUMTHALA MUSLIM JAMA-ATH,REG.NO.
17/72, VADAKKUMTHALA KIZHAKKU.P.O, KARUNAGAPPALLY
KOLLAM DISTRICT, REPRESENTED BY ITS PRESIDENT
SHAMSUDEEN.
2. MOHAMMED KUNJU, SECRETARY,VADAKKUMTHALA
MUSLIM JAMA-ATH, REG.NO.17/72, VADAKKUNTHALA
KIZHAKKU.P.O, KARUNAGAPPALLY, KOLLAM DISTRICT.

BY ADV. SRI.T.H.ABDUL AZEEZ

RESPONDENTS/PETITIONERS:

1. THE KERALA STATE WAKF BOARD,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
THE KERALA STATE WAKF BOARD, V.I.P.ROAD, KALOOR
KOCHI-682017.
2. ABDUL LATHIF DHARUL MUBURAK, OOPPATHIL
THEKKATHIL, VADAKKUMTHALA KIZHAKKU.P.O, KARUNAGAPPALLY
KOLLAM DISTRICT-690536.
3. A.H.ANEES,S/O.ABDUL LATHIFF,OOPPATHIL
THEKKATHIL, VADAKKUMTHALA KIZHAKKU.P.O, KARUNAGAPPALLY
KOLLAM DISTRICT-690536.

R1 BY ADV. SRI.A.A.ABUL HASSAN, SC, WAKF BOARD

R2,R3 BY ADV. SRI.T.R.RAJAN

R1 BY ADV. SRI.K.SHIBILI NAHA, SC, KERALA STATE WAKF BOARD

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 08-10-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

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C.R.P.No.500 of 2011

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Dated this the 8th day of October, 2015

ORDER

Thottathil B.Radhakrishnan, J.

1. This revision is filed by a Jama-ath. The point raised is as to the sustainability of a certificate issued by the Wakf Board that the marriages between the members of the families of defendants 2 and 3 are to be registered.
2. The Wakf Board and the Wakf Tribunal had concurrently held that the removal of respondents 2 and 3 and the members of their families from the membership of the Jama-ath alleging that the marriage was conducted following a particular religious practices was not sustainable. The Wakf Board and the Wakf Tribunal heard the parties and decided that in terms of the bylaws and the records received, the Jama-ath had no go but to register the marriages. The show cause notice for the removal was given after the request for the conduct and registration of the marriage was received by the Jama-ath.

3. Having regard to the materials on record, we see that the impugned decision of the Wakf Tribunal affirming the views of the Wakf Board does not warrant interference in a revision under the proviso to Section 83(9) of the Wakf Act, 1995. This revision, therefore fails.

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

Thottathil B.Radhakrishnan, Judge

Anu Sivaraman, Judge