IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

CRP(WAKF).No.20 of 2013 (B)

AGAINST THE ORDER OF THE WAKF TRIBUNAL, KOZHIKODE IN I.A.No.587 OF 2012 IN O.S.No.40 OF 2012 DATED 14.12.2012

PETITIONER/PETITIONER :

SAYYED FAKRUDHEEN CHERUKOYA THANGAL,
S/O.SAYYED MOHIYUDHEEN ABDUL KHADER MUTHUKOYA THANGAL,
"NOOR MASHAL", P.O.HAJIYAR PALLI, MALAPPURAM AMSOM,
KIZHMURI DESOM, ERNAD TALUK, MALAPPURAM DISTRICT.

BY ADVS.SRI.N.SUBRAMANIAM
SRI.M.S.NARAYANAN
SRI.P.T.GIRIJAN
SMT.USHA NARAYANAN

RESPONDENTS/RESPONDENTS :
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1. K.V.M.ABOOBACKER,
S/O.SAIDALIKUTTY, PRESIDENT, MUTHIYATHUMAAL MASJID
NOOR SUNNI MAHALLU JA-AMATH,
KOTTOOR VALIYAPPEEDIYAKKAL, MANNASHERI,
MUTHAVATHUPARAMBU, P.O.HAJIYARPALLI, MALAPPURAM,
KIZHMURI DESOM, ERNADU TALUK,
MALAPPURAM DISTRICT-576505.

2. SAYYED MUHAMMED HUSSAINKOYA THANGAL,
S/O.SAYYED MOHIYUDHEEN ABDUL KHADER MUTHUKOYA THANGAL,
SECRETARY,
MUTHIYATHUMAAL MASJID NOOR SUNNI MAHALLU JAMA-ATH,
KOTTOOR VALIYAPPEEDIYAKKAL, MANNASHERI,
MUTHAVATHUPARAMBU, P.O.HAJIYARPALLI, MALAPPURAM AMSOM,
KIZHMURI DESOM, ERNAD TALUK,
MALAPPURAM DISTRICT-576505.

3. SAYYED ABDURAHIMAN KUNHI THANGAL,
S/O.SAYYED MOHIYUDHEEN ABDUL KHADER MUTHUKOYA THANGAL,
TREASURER,
MUTHIYATHUMAAL MASJID NOOR SUNNI MAHALLU JAAMATH,
K.V.MAHAL, MUTHAVATHUPARAMBU, P.O.HAJIYAR PALLI,
KIZHMURI DESOM, ERNADU TALUK,
MALAPPURAM DISTRICT-576505.

4. THE CHIEF EXECUTVE OFFICER,
KERALA STATE WAKF BOARD, V.I.P. ROAD, KALOOR,
KOCHI-682018.

R1 BY ADV. SRI.R.RAMADAS (CAVEATOR)

THIS CRP (WAKF ACT) HAVING BEEN FINALLY HEARD ON 05-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.N.RAVINDRAN & ANIL K.NARENDRAN, JJ.

C.R.P.(WAKF).No.20 of 2013

Dated this the 05th day of February, 2015

ORDER

P.N.Ravindran, J.

The revision petitioner is the plaintiff in O.S.No.40 of 2012 on the file of the Court of the Wakf Tribunal, Kozhikode. The respondents are the defendants therein. The petitioner has in O.S.No.40 of 2012 prayed for a decree restraining the respondents from interfering with the administration and management of the plaint schedule Wakf properties by the petitioner as the Muthavalli. Along with the plaint he filed I.A.No.587 of 2012 for an interim order of injunction in terms of the relief of injunction prayed for in the plaint. Upon receipt of notice, the respondents entered appearance and filed a counter affidavit. The Wakf Tribunal after hearing learned counsel on both sides vacated the ad-interim injunction granted on 5.10.2012 and dismissed I.A.No.587 of 2012 by order passed on 14.12.2012. Hence this civil revision petition.

2. We heard Sri.M.S.Narayanan, learned counsel for the petitioner, Sri.R.Ramadas, learned counsel for respondents 1 to 3

and Sri.K.Shibili Naha, learned standing counsel for Kerala State Wakf Board. Though Sri.M.S.Narayanan, learned counsel for the petitioner contended that having regard to the pleadings and evidence on record the court below ought not to have vacated the ad-interim order of injunction granted on 5.10.2012, having regard to the admitted fact that eversince 14.12.2012 the interim order of injunction has not been in force, we are of the opinion that the proper course would be to direct the Wakf Tribunal, Kozhikode to expeditiously dispose of the suit itself on the merits after trial. It is also not in dispute that issues have been settled.

In such circumstances, we dispose of this civil revision petition with a direction to the Wakf Tribunal, Kozhikode to try and dispose of O.S.No.40 of 2012 expeditiously and in any event within an outer limit of 6 months from the date of receipt of a copy of this judgment, untrammeled by the observations and findings in the impugned order. The contentions of both sides on the merits are kept open. No costs.

P.N.RAVINDRAN, JUDGE

skj **ANIL K.NARENDRAN, JUDGE**