

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

OP (WAKF).No.10 of 2015 (R)

PETITIONERS : PLAINTIFFS :-

1. N.M.SALIM,
AGED 40 YEARS,
S/O.MOHAMED, RESIDING AT NEERELI HOUSE,
ALUVA EAST VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT, PIN – 683 112.
2. ALI AKBER,
AGED 39 YEARS,
S/O.KASEEM,
RESIDING AT ETTUKADEN HOUSE,
ERUMATHALA (PO), KEEZHUMADU VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT, PIN – 683 112.
3. P.A.ANFAL,
AGED 26 YEARS,
S/O.AZEEZ, RESIDING AT PARAPURAM HOUSE,
ERUMATHALA (PO), KEEZHUMADU VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT, PIN – 683 112.
4. HARIS AZEEZ,
AGED 21 YEARS,
S/O.AZEEZ,
RESIDING AT KIZHAKKEVEETIL HOUSE,
ERUMATHALA (PO), KEEZHUMADU VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT, PIN – 683 112.

BY ADVS.SRI.R.O.MUHAMED SHEMEEM
SMT.NASEEHA BEEGUM
SRI.T.P.ABDUL HAMEED

RESPONDENTS : DEFENDANTS :-

1. SHARAFUL HUDA MUSLIM JAMA'ATH NALAMMILE,
NALAM MILE, ERUMATHALA (PO),
KIZHMADU VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT, PIN 683 112,
REPRESENTED BY ITS SECRETARY MR.T.P.SAIDALI,
AGED ABOUT 58 YEARS, S/O.PAREETH.
2. T.P.NOUSHAD,
AGED ABOUT 49 YEARS,
S/O.PAREETH, PRESIDENT,
SHARAFUL HUDA MUSLIM JAMA'ATH NALAMMILE,
ERUMATHALA (PO),
KIZHUMADU VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT, PIN 683 112.
3. T.I.ZULFICKER,
AGED ABOUT 45 YEARS,
S/O.IBRAHIM KUTTY,
VICE PRESIDENT,
SHARAFUL HUDA MUSLIM JAMA'ATH NALAMMILE,
ERUMATHALA (PO),
KIZHUMADU VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT, PIN 683 112.
4. T.P.SAIDALI,
AGED ABOUT 58 YEARS,
S/O.PAREETH,
SECRETARY,
SHARAFUL HUDA MUSLIM JAMA'ATH NALAMMILE,
ERUMATHALA (PO),
KIZHUMADU VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT, PIN 683 112.
5. N.K.BAVAKUNJU,
AGED ABOUT 60 YEARS,
S/O.KHADER,
JOINT SECRETARY,
SHARAFUL HUDA MUSLIM JAMA'ATH NALAMMILE,
ERUMATHALA (PO),
KIZHUMADU VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT, PIN 683 112.
6. M.P.ARMAN,
AGED ABOUT 56 YEARS,
S/O.PAREEKUTTY,
TREASURER,
SHARAFUL HUDA MUSLIM JAMA'ATH NALAMMILE,
ERUMATHALA (PO),
KIZHUMADU VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT, PIN 683 112.

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7. THE KERALA STATE WAKF BOARD,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
OPPOSITE INTERNATIONAL STADIUM,
KALOOR, ERNAKULAM, PIN - 682 017.

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

THIS OP (WAKF) HAVING COME UP FOR ADMISSION ON
20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

O.P.(Wakf).No.10 of 2015

Dated this the 20th day of March, 2015

JUDGMENT

P.N.Ravindran, J.

The petitioners are the plaintiffs in W.O.S.No.10 of 2015 on the file of the Wakf Tribunal, Ernakulam. The respondents are the defendants therein. In this original petition filed under Article 227 of the Constitution of India they seek an order directing the Wakf Tribunal to dispose of I.A.No.85 of 2015 in W.O.S.No.10 of 2015 within a time limit to be stipulated by this Court. They have also prayed for an order directing the Kerala State Wakf Board to await the decision on I.A.No.85 of 2015 above referred to, before holding the elections to the managing committee of the first respondent jama-ath.

The dispute involved in W.O.S.No.10 of 2015 is the very same dispute which is involved in W.O.S.No.2 of 2015 also on the file of the Wakf Tribunal, Ernakulam. The plaintiffs in that suit filed an application for an interim order of injunction restraining the defendants therein from holding elections to the managing committee of the very same jama-ath in accordance with the provisions contained in the amended bye-laws stated to have been passed by the jama-ath on 27.6.2014. Though an ad-interim order was granted by the Wakf Tribunal on I.A.No.6 of 2015,

after hearing both sides, it was vacated by order passed on 7.3.2015. The said order is under challenge in C.R.P.(Wakf).No.113 of 2015 on the file of this Court. In that C.R.P., we have, by order passed yesterday (19.3.2015) on I.A.No.738 of 2015, stayed the elections to the managing committee of the first respondent jama-ath. In such circumstances as the Wakf Tribunal, Ernakulam has already taken a view in the matter by passing an interim order in W.O.S.No.2 of 2015 and the correctness of that order is under challenge in C.R.P.(Wakf).No.113 of 2015, we are of the opinion that the petitioner should await the outcome of C.R.P.(Wakf).No.113 of 2015 before pressing for orders on I.A.No.85 of 2015. When this fact was pointed out to the learned counsel for the petitioners, the learned counsel submitted that the petitioners were unaware of that fact and in view of the fact that this Court has already stayed the elections, no purpose will be served by prosecuting the instant original petition and therefore, it may be dismissed as withdrawn reserving liberty with the petitioners to move this Court afresh, if occasion arises at a later stage. Leave granted as prayed for and the original petition is dismissed as withdrawn.

P.N.RAVINDRAN, JUDGE

skj

ANIL K.NARENDRAN, JUDGE