

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH**

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

OP (WAKF).No. 14 of 2015 (R)

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AGAINST THE ORDER/JUDGMENT IN OS 97/1101 of WAKF TRIBUNAL, ERNAKULAM
DATED 28-03-2015**

PETITIONER(S):

- 1. E.M.ISMAIL, EDAVATTATH HOUSE, KANJIRAMATTOM PO,
ERNAKULAM DISTRICT, PIN - 682 315 (MEMBER OF THE
COMMITTEE ELECTED BY THE YOGAM)**
- 2. K.A. JABBAR, S/O.KOCHUNNY, KAREDATH, KANJIRAMATTOM PO,
682 315, ERNAKULAM DISTRICT (MEMBER OF THE
COMMITTEE ELECTED BY YOGAM)**

BY ADV. SRI.C.M.EBRAHIM

RESPONDENT(S):

- 1. THE MANAGER, KANJIRAMATTOM MOSQUE,
KANJIRAMATTOM PO, ERNAKULAM DISTRICT, PIN - 682 315.**
- 2. B.M.JAMAL, FORMER MANAGER, KANJIRAMATTOM MOSQUE,
CHIEF EXECUTIVE OFFICER, KERALA STATE WAKF BOARD,
KALOOR, KOCHI-17.**
- 3. M.M.SALEEM, EXECUTIVE OFFICER, KANJIRAMATTOM MOSQUE,
KANJIRAMATTOM - 682 315, ERNAKULAM DISTRICT.**

BY SRI.ESM.KABEER

**THIS OP (WAKF) HAVING COME UP FOR ADMISSION ON 10-04-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS:

- EXT.P1: COPY OF THE RELEVANT COPY OF THE SCHEME FRAMED IN OS 97/1101.
- EXT.P2: COPY OF THE ORDER DATED 19.4.2013 IN IA 383/2012 IN OS 97/1101ME.
- EXT.P3: COPY OF THE ORDER NO.E1-1756/13 DT. 9.4.2014.
- EXT.P4: PHOTOCOPY OF THE REPORT DTD. 8.1.2014 FILED BY THE 1ST RESPONDENT BEFORE THE TRIBUNAL.
- EXT.P5: PHOTOCOPY OF THE ORDER IN OP(WAKF) NO.1/2015 DT. 9.1.2015.
- EXT.P6: PHOTOCOPY OF THE REPORT DATED 16.1.2015.
- EXT.P7: PHOTOCOPY OF THE ORDER DATED 21.1.2015.
- EXT.P8: PHOTOCOPY OF THE JUDGMENT DATED 29.1.2015 IN OP (WAKF) NO.4/2015.
- EXT.P9: PHOTOCOPY OF THE OBJECTION FILED BY THE PETITIONERS IN IA 198/2014.
- EXT.P10: PHOTOCOPY OF THE ADDITIONAL OBJECTION FILED BY THE PETITIONERS IN IA 198/2014.
- EXT.P11: PHOTOCOPY OF THE ORDER DATED 28.3.2015 IN OS 97/1101ME.
- EXT.P12: PHOTOCOPY OF THE STATEMENT OF RECEIPT AND PAYMENTS OF KANJIRAMATTOM MOSQUE FOR THE YEAR ENDED 31.3.2012.

RESPONDENTS' EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

VPV

P.N.RAVINDRAN & K.P.JYOTHINDRANATH, JJ.

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O.P.(Wakf)No.14 of 2015

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Dated this the 10th day of April, 2015

JUDGMENT

P.N.Ravindran, J.

The prayer in this original petition filed by two members of the Yogam of Kanjiramattom Mosque is to set aside Ext.P11 order passed by the Wakf Tribunal, Ernakulam in so far as it permits the third respondent, the Executive Officer of Kanjiramattom Mosque to continue as Executive Officer for a period of one year from 1.4.2015.

2. We have by judgment delivered today in O.P.(Wakf)No.11 of 2015 directed that in the event of the petitioners herein who are the petitioners in the said original petition as well, filing an appropriate application before the Wakf Tribunal, questioning the competence of the Chief Executive Officer of the Wakf Board to appoint Sri.M.M.Saleem, Head Clerk attached to the Divisional Office of the Wakf Board at Trivandrum as the Executive Officer of the Kanjiramattom Mosque, the Wakf Tribunal shall consider the same and pass appropriate orders on the application. Such a direction was issued having regard to the challenge made by the petitioners to the

order passed by the Chief Executive Officer of the Wakf Board who was formerly the Manager of the Kanjiramattom Mosque till Sri.E.S.M.Kabeer was appointed as the Manager, whereby the Chief Executive Officer of the Wakf Board appointed Sri.M.M.Saleem, Head Clerk in the service of the Kerala State Wakf Board as the Executive Officer of the Kanjiramattom Mosque. We have in that judgment directed that orders in the matter shall be passed after notice to Sri.E.S.M.Kabeer, the Manager of Kanjiramattom Mosque.

In such circumstances, we are of the opinion that no further orders are called for in this original petition except to observe that the directions issued by this Court in O.P.(Wakf)No.11 of 2015 shall govern the rights of parties.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**K.P.JYOTHINDRANATH
JUDGE**