

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

OP (WAKF).No. 17 of 2015 (R)

PETITIONERS:

1. C.K.ABDUL LATHEEF AGED 39 YEARS
S/O.MAMMED MOYIN C.K, KARUKULATH HOUSE,
PALLIKKAL PO, MALAPPURAM DISTRICT.
2. KALARIKKAL ABU, AGED 50 YEARS, S/O.MUHAMMEDKUTTY
CHALODY HOUSE, PALLIKKAL PO, MALAPPURAM DISTRICT.
3. CHARUPADIKKAL KARATTU MOIDU AGED 67 YEARS
S/O.MUHAMMED, KARUKULATH PALLIYALIL HOUSE
PALLIKKAL PO, MALAPPURAM DISTRICT.

BY ADVS.SRI.N.M.MADHU
SMT.C.S.RAJANI

RESPONDENTS:

1. ADV.K.M.HANEEFA
RETURNING OFFICER, PALLUNNIPADAM HOUSE
KARUVANTHURUTHY PO, FEROKE
KOZHIKODE DISTRICT 673 631.
2. THE KERALA STATE WAKF BOARD, REP. BY ITS CHIEF
EXECUTVE OFFICER
V.I.P. ROAD, KALoor, ERNAKULAM KOCHI 682 017.
3. MUNTHAF,AGED 28 YEARS S/O.SAIDALAVI, PULPARAMBA HOUSE,
PALLIKKAL PO, MALAPPURAM DISTRICT.- 673 634.
4. ABBAS C.K, AGED 32 YEARS
S/O.MOIDEEN, POTHALAKKAL HOUSE, PALLIKKAL PO
MALAPPURAM DISTRICT.- 673 634.

5. BASHEER.C.K AGED 37 YEARS
S/O.VEERAN, PULPARAMBA HOUSE, PALLIKKAL PO
MALAPPURAM DISTRICT.- 673 634.

6. PERINCHEERI MAMMUNNI AGED 47 YEARS
S/O.MAMMUTTY, ATHANIKKAL HOUSE, PALLIKKAL PO
MALAPPURAM DISTRICT 673 634.

7. C.HAMZAKOYA, AGED 42 YEARS, S/O.AHAMMED
EDAKKACHERI HOUSE, PALLIKKAL PO
MALAPPURAM DISTRICT 673 634.

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

THIS OP (WAKF) HAVING COME UP FOR ADMISSION ON 03-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXT P1- TRUE COPY OF THE NOTICE ISSUED BY THE FIRST RESPONDENT

EXT P2-TRUE COPY OF THE APPLICATION DATED 27.5.2015 SUBMITTED BY
THE FIRST PETITIONER BEFORE THE WAKF BOARD AS I.A.NO.69/2015 IN OP
NO.17/2014

EXT P3- TRUE COPY OF THE INSTRUCTIONS FORMING PART OF THE FINAL
VOTERS LIST

EXT P4- TRUE COPY OF THE BYE-LAW OF THE MAHAL

RESPONDENT(S) ' EXHIBITS:NIL

True Copy /

P.A. to Judge

“CR”

**THOTTATHIL B. RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

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O.P.(Wakf).No.17 of 2015

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Dated this the 03rd day of June, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

We have heard the learned counsel for the petitioners and the learned Standing Counsel for the Wakf Board.

2. Petitioners are at the midst of facing an election to a Mahal Committee. The election is being carried through the returning officer under orders of the Wakf Board. On the premise that an application has been filed before the Wakf Board alleging that the electoral process is not in accordance with the by-laws, this original petition is filed invoking Article 227 of the Constitution, as if it is one seeking interference in supervisory jurisdiction. The authority to which proceedings may lie from actions and orders from the Wakf Board is the Wakf Tribunal. No proceeding is pending before the Wakf Tribunal. Be that as it may, it is trite law that, in matters relating to elections, the Courts and other authorities will keep their hands off and permit the electoral process to continue since any challenge to an election conducted, or to the election of a particular person, can be had only after the

declaration of results. The allegation that the electoral process is not going through in accordance with the provisions of by-laws is not a matter that could be agitated during the currency of the electoral process. More importantly, we are not inclined to accept any challenge to that in the course of an application under Article 227 of the Constitution. This original petition fails.

In the result, this original petition is dismissed in limine. We clarify that we have not expressed anything on the merits of the claims or contentions of the petitioners or the rival respondents touching the subject matter of the very dispute in relation to the election in question.

Sd/-
THOTTATHIL B. RADHAKRISHNAN
Judge

Sd/-
SUNIL THOMAS
Judge

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