

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

OP (WAKF).No. 19 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN I.A.NO.204 OF 2015 IN OA 4/2015 of WAKF
TRIBUNAL, KOZHIKODE DATED 05.06.2015

PETITIONER(S) :

C.K.ABDUL LATHEEF, AGED 42 YEARS
S/O.MAMMAD MOYI, SECRETARY
PALLIKKAL BAZAR JUMA-ATH MAHALLU COMMITTEE
PALLIKKAL P.O, MALAPPURAM DISTRICT.

BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN

RESPONDENT(S) :

1. CHIEF EXECUTIVE OFFICER,
KERALA STATE WAKF BOARD, REGIONAL OFFICE, BANK ROAD
KOZHIKODE 673 001.
2. MUNTHAF, AGED 28 YEARS,
S/O.SAIDALAVI, PULPARAMBIL HOUSE, PALLIKKAL P.O
MALAPPURAM DISTRICT, PIN - 690 563.
3. ABBAS C.K, AGED 32 YEARS,
S/O.MOIDEEN, POTHALAKKAT HOUSE, PALLIKKAL P.O
MALAPPURAM DISTRICT, PIN - 690 563.
4. BASHEER C.K, AGED 37 YEARS,
S/O.VEERAN, PULPARAMBA HOUSE, PALLIKKAL P.O
MALAPPURAM DISTRICT, PIN - 690 563.
5. PERINCHERRI MAMMUNNI, AGED 47 YEARS,
S/O.MAMMUTTY, ATHANKKAL HOUSE, PALLIKKAL P.O
MALAPPURAM DISTRICT, PIN - 690 563.
6. C.HAMZAKOYA, AGED 42 YEARS,
S/O.AHAMMED, EDAKKACHERI HOUSE, PALLIKKAL P.O
MALAPPURAM DISTRICT, PIN - 690 563.
7. PALLIKKAL BAZAR JUMA-ATH PALLI MAHALLU COMMITTEE
REPRESENTED BY ITS ALLEGED SECRETARY,
K.LIYAKATH ALI, AGED 48 YEARS,
S/O.HAIDRU, PALLIKKAL P.O
MALAPPURAM DISTRICT, PIN - 690 563.

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8. K.LIYAKATH ALI, AGED 48 YEARS,
ALLEGED SECRETARY
PALLIKKAL BAZAR JUMA-ATH PALLI MAHALLU
COMMITTEE, PALLIKKAL P.O
MALAPPURAM DISTRICT, PIN - 690 563.
9. C.K.ABDUL MAJEED, AGED 55 YEARS,
S/O.VEERAN, PRESIDENT
PALLIKKAL BAZAR JUMA-ATH PALLI MAHALLU
COMMITTEE, PALLIKKAL P.O
MALAPPURAM DISTRICT, PIN - 690 563.
10. ADV.K.M.HANEEFA
CALICUT BAR ASSOCIATION, KOZHIKODE - 673 001.

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

THIS OP (WAKF) HAVING COME UP FOR ADMISSION ON 15-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. COPY OF THE INTERIM ORDER DATED 13.3.14 PASSED BY THE CHIEF EXECUTIVE OFFICER OF THE KERALA STATE WAKF BOARD.

EXHIBIT P2. COPY OF THE ORDER DATED 16.2.15 IN OP 17 OF 2014 PASSED BY THE KERALA STATE WAKF BOARD.

EXHIBIT P3. COPY OF THE ORDER DATED 16.2.15 IN IA 2 OF 2014 PASSED BY THE KERALA STATE WAKF BOARD.

EXHIBIT P4. COPY OF THE ORIGINAL APPLICATION NO.4 OF 2015 FILED BY THE PETITIONER BEFORE THE WAKF TRIBUNAL, KOZHIKODE.

EXHIBIT P5. COPY OF THE AFFIDAVIT IN SUPPORT OF IA 204 OF 2015 FILED BY THE PETITIONER BEFORE THE WAKF TRIBUNAL, KOZHIKODE.

EXHIBIT P6. COPY OF THE COMMON ORDER DATED 5.6.15 IN IA 204 OF 2015 IN OA 4 OF 2015 PASSED BY THE WAKF TRIBUNAL, KOZHIKODE.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.

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OP(Wakf) No.19 of 2015
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Dated this the 15th day of June, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

We have heard the learned counsel for the petitioner and the learned standing counsel for the Wakf Board. We have also heard the learned counsel for the contesting respondents.

This original petition under Article 227 of the Constitution of India is filed challenging an order by which the Wakf Tribunal refused to interfere with an election proposed to be held on 14.06.2015. That event has taken place yesterday. More importantly, courts would loathe interfere with an electoral process once it commences. This is so because the result of an election can also be subjected to judicial review within the permissible limits and format. Hence, this original petition is only to be dismissed without prejudice to the contentions between the parties in different proceedings before the court below, including in the matter from

which this original petition arises and any right of any of the parties to challenge the election which was held on 14.06.2015 and the result thereof. This original petition is dismissed as stated above.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(SUNIL THOMAS, JUDGE)

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