

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN**

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

OP (WAKF).No. 27 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN OS 31/2015 of WAKF TRIBUNAL, KOLLAM

PETITIONER(S):

- 1. SHIHABUDEEN, AGED 39 YEARS,
S/O.ISAHACK KUNJU, SEENA NIVAS, KOYIVILLA P.O.,
THEVALAKKARA VILLAGE, KOLLAM, PIN-691 590.**
- 2. M.ABDUL ROWF @ RAKOOB KUNJU, AGED 62 YEARS,
S/O.MUHAMMED KUTTY, SALAM MANZIL, MULLIKKALA,
THEVALAKKARA P.O., KOLLAM, PIN-690 524.**

**BY ADVS.SRI.P.A.ABDUL JABBAR
SRI.MUHAMMED SHAFFI**

RESPONDENT(S):

- 1. THEVALAKKARA SHERIFUL ISLAM JAMA-ATH,
THEVALAKKARA P.O.
REPRESENTED BY ITS COUNCIL CHAIRMAN, PIN-690 590.**
- 2. HAJI M.SULAIMAN KUNJU, AGED 70 YEARS,
S/O.MYTHEEN KUNJU, SALIM MANZIL, MULLIKALA,
THEVALAKKARA P.O., KOLLAM-690 524.**
- 3. Y.SALIM, AGED 42 YEARS,
S/O.YOUNUS KUNJU, KINARUVILA, VADAKKATHIL KOIVILA,
KOLLAM-691 590.**
- 4. HAJI P.H.ABDUL KHADER KUNJU, AGED 85 YEARS,
S/O.HYDROSE KUNJU, DHARUL AMAN HOUSE, MULLIKALA,
THEVALAKKARA P.O., KOLLAM-690 524.**
- 5. A.YOUNUS KUNJU, AGED 71 YEARS,
S/O.ABDUL RAHIMAN KUNJU, KATTUVILAYIL VEEDU, MULLIKALA
THEVALAKKARA P.O., KOLLAM-690 524.**
- 6. ABDUL RAHIM, AGED 62 YEARS,
S/O.IBRAHIMKUTTY, ANEEZA MANZIL, MULLIKALA,
THEVALAKKARA P.O., KOLLAM-690 524.**
- 7. ISMAIL KUNJU, AGED 62 YEARS,
S/O.ABDUL RAHIMAN KUNJU, KOTTAPPALLIL, MULLIKALA,
THEVALAKKARA P.O., KOLLAM-690 524.**
- 8. HAJI A. MUHAMMED KUNJU, AGED 71 YEARS,
S/O.KOCHUKUNJU LEBBA, THACHAYIL VEEDU, MULLIKALA,
THEVALAKKARA P.O., KOLLAM-690 524.**

9. HAJI E. SULAIMAN KUNJU, AGED 68 YEARS,
S/O.ISMAIL KUNJU, CHERIYACHALIL, KOIVILA,
KOLLAM-691 590.
- 10.N.JUSUF KUNJU, AGED 54 YEARS,
S/O.NOORUDHEEN KUNJU, MARAVARAYATHU, MULLIKALA,
MULLIKALA, THEVALAKKARA P.O., KOLLAM-690 524.
- 11.T.ANEESH, AGED 40 YEARS,
S/O.THAHA, PANDARAYYATHU, KOYIVILA P.O.,
KOLLAM, PIN-691 590.
12. A.BADARUDEEN, AGED 52 YEARS,
S/O.ABDUL RAHIMAN KUNJU, KURAVARAYATHU VEEDU,
KOYIVILLA P.O., KOLLAM-691 590.
- 13.T.AKBAR, AGED 47 YEARS,
S/O.THANGAL KUNJU, AMEENA MANZIL, MULLIKALA,
THEVALAKKARA P.O., KOLLAM-690 524.
14. A.JAMALUDEEN, AGED 42 YEARS,
S/O.ABDUL KAREEM, THACHAYIL VEEDU, MULLIKALA,
THEVALAKKARA P.O., KOLLAM-690 524.
- 15.M.RASHEED, AGED 56 YEARS,
S/O.MUHAMMED KUNJU, PURAMCHUTTIYIL, KOYIVILLA P.O.,
KOLLAM-691 590.
- 16.M.SHAJAHAN, AGED 44 YEARS,
S/O.MUHAMMED HANEEFA, KINARUVILAYIL, KOYIVILLAP.O.,
KOLLAM-691 590.
17. ABDUL KAREEM, AGED 64 YEARS,
S/O.MEERA SAHIB, M.S.MANZIL, KOYIVILLA P.O.,
KOLLAM-691 590.
- 18.FAZALUDHEEN, AGED 55 YEARS,
S/O.ABDUL RAHIMAN KUNJU, PLACHERRY PADINJATTATHIL,
MULLIKALA, THEVALAKKARA P.O., KOLLAM-690 524.
19. ALIYATUKUTTY, AGED 61 YEARS,
S/O.MUHAMMEDKUTTY, UOPANVILAYIL, ARINALLUR P.O.,
KOLLAM, PIN-690 524.
- 20.THE CHEIF EXECUTIVE OFFICER,
KERALA STATE WAQF BOARD, VIP ROAD, ERNAKULAM,
PIN-682 017.
21. MARUTHADI S. NAVAS
ADVOCATE/RETURNING OFFICER, AMMAVEETIL BUILDING,
BEHIND SBT, CIVIL STATION, KOLLAM-690 513.

R20 BY SRI.K.SHIBILI NAHA, SC, KERALA STATE WAKF BOARD

THIS OP (WAKF) HAVING COME UP FOR ADMISSION ON 28-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1. TRUE COPY OF THE PLAINT IN OS NO.31/2015.
- EXT.P2. TRUE COPY OF THE BYE-LAW OF THE 1ST RESPONDENT WAQF.
- EXT.P3. TRUE COPY OF THE JUDGMENT IN OS NO.33/2013 OF THE WAQF TRIBUNAL, KOLLAM.
- EXT.P4. TRUE COPY OF THE REPROT SUBMITTED IN O.S.No.33/13 BY THE 21ST RESPONDENT BEFORE THE WAQF TRIBUNAL, KOLLAM.
- EXT.P5. TRUE COPY OF THE JOINT STATEMENT FILED IN OS NO.33/2013 WAQF TRIBUNAL, KOLLAM.
- EXT.P6. TRUE COPY OF THE ORDER PASSED IN I.A.185/15 IN O.S.NO.33/13BY THE WAQF TRIBUNAL, KOLLAM.
- EXT.P7. TRUE COPY OF THE COVERING LETTER ALONG WITH REPORT OF THE DIVISIONAL OFFICER OF THE WAQF BOARD.
- EXT.P8. TRUE COPY OF THE ELECTION NOTIFICATION PUBLISHED BY THE 21ST RESPONDENT.
- EXT.P9. TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 21ST RESPONDENT.
- EXT.P9(A). TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 21ST RESPONDENT.
- EXT.P9(B). TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 21ST RESPONDENT.
- EXT.P9(C). TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 21ST RESPONDENT.
- EXT.P9(D). TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 21ST RESPONDENT.
- EXT.P9(E). TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 21ST RESPONDENT.
- EXT.P10. TRUE COPY OF THE IA NO.324/2015 IN OS NO.31/2015 WAQF TRIBUNAL, KOLLAM.
- EXT.P11. TRUE COPY OF THE OBJECTION SUBMITTED BY THE 21ST RESPONDENT IN IA NO.324/2015 IN OS NO.31/2015 WAQF TRIBUNAL, KOLLAM.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.**

O.P.(Wakf) No.27 of 2015

Dated this the 28th day of September, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. Heard the learned counsel for the petitioners and the learned standing counsel for the Wakf Board.

2. This original petition is filed invoking Article 227 of the Constitution of India, primarily requiring an expeditious consideration and disposal of a suit pending before the Wakf Tribunal, Kollam. Through an earlier order, the Bench had called for a report from the Wakf Tribunal. The learned Tribunal has reported that the suit can be disposed of within a period of three months after filing the written statements by the defendants.

3. The substance of the litigation before the court below relates

to an election and a decree on the basis of which, election has to be conducted. The election is already over and the suit to set aside the earlier decree on the ground of fraud is yet to be adjudicated. We are of the view that no specific time frame can be fixed by this Court for the Tribunal to adjudicate such a suit. Though we record the request on behalf of the petitioner that the Tribunal may expeditiously consider the suit pending at that end, the learned Tribunal will sympathetically consider that request of the petitioner.

Original petition ordered accordingly.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(ANU SIVARAMAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG