

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

OP (WAKF).No. 36 of 2015 (R)

AGAINST THE ORDER/JUDGMENT IN WOS 32/2014 of WAKF TRIBUNAL,
ERNAKULAM DATED 29-12-2014

PETITIONER(S) :

1. UMMER ALI RAWTHER K.M., AGED 78 YEARS,
S/O. M.K.I.MEERAPILLA RAWTHER,
KASTHOORI BHAVAN
ETTUMANOOR, PIN-686 631,
KOTTAYAM DISTRICT.
2. P.M.JABBAR, AGED 57 YEARS,
S/O. PUTHOORKANI RAWTHER,
MANNATHUR HOUSE, PUTHOORKARA
PALA ROAD, ETTUMANOOR, PIN-686 631
KOTTAYAM DISTRICT.

BY ADV. SRI.V.SHYAM

RESPONDENT(S) :

1. ETTUMANOOR ATHIRAMPUZHA MUSLIM JAMA-ATH,
ATHIRAMPUZHA, REPRESENTED BY ITS PRESIDENT
N.M.BADER RAWTHER, AGED 64 YEARS
NEDUVELIL HOUSE, ATHIRAMPUZHA P.O.
KOTTAYAM DISTRICT-686 562.
2. K.K.SHAJAHAN
SHAN MANZIL, ETTUMANOOR P.O.,
KOTTAYAM DISTRICT.
3. SALIM RAWTHER
NEERMALAKUNNEL, ATHIRAMPUZHA P.O.,
KOTTAYAM DISTRICT.
4. NAZAR JAMAL
MANNAMKULAM, ATHIRAMPUZHA P.O.,
KOTTAYAM DISTRICT.

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5. SHAJI INJIKAL
INJIKALA HOUSE, ATHIRAMPUZHA P.O.,
KOTTAYAM DISTRICT.
6. P.A.MOHAMMED SALI
NEDIYANIIL HOUSE, PAROLICKAL,
ATHIRAMPUZHA P.O., KOTTAYAM DISTRICT.
7. SHANAVAS K.H.
KAITHAMALATHAZHATH, ATHIRAMPUZHA P.O.
KOTTAYAM DISTRICT.
8. P.A.SHAMEER ALIYAR
NEDIYANIIL HOUSE, PAROLICKAL,
ATHIRAMPUZHA P.O.
KOTTAYAM DISTRICT.
9. KABEER ISMAIL
EDAYATHPEEDIKA, MOTHER THERESA ROAD,
ATHIRAMPUZHA P.O.
KOTTAYAM DISTRICT.
10. KERALA STATE WAKF BOARD
KALOOR, KOCHI-17,
REPRESENTED BY ITS SECRETARY.

R10 BY SRI.K.SHIBILI NAHA, SC, KERALA STATE WAKF BOARD

THIS OP (WAKF) HAVING COME UP FOR ADMISSION ON 19-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : COPY OF THE PLAINT IN WOS 32/2014 DTD.29.12.2014 BEFORE
THE WAKF TRIBUNAL, ERNAKULAM.

P2 : COPY OF THE ORDER DTD.29.12.2014 IN IA NO.203/2014.

P3 : COPY OF THE ORDER DTD.20.1.2015 IN IA NO.203/2014.

P4 : COPY OF THE IA NO.255/2015, DTD.4.7.2015.

P5 : COPY OF THE IA NO.256/2015 DTD.4.7.2015.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE.

jg-30/12

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

.....
OP(Wakf) No.36 of 2015
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Dated this the 19th day of November, 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.Notice to private respondents is dispensed with preserving their right to re-hear this original petition, if they are aggrieved by the directions issued hereunder.
- 3.This original petition is filed invoking Article 227 of the Constitution of India seeking a direction for consideration and disposal of Exts.P4 and P5 interlocutory applications stated to have been filed in WOS No.32 of 2014 before the Wakf Tribunal, Ernakulam.

It is not necessary for us to speak on the merits or otherwise of

Exts.P4 and P5 or on the eligibility of the petitioners to seek impleadment in the suit pending before the Wakf Tribunal. It is pointed out that draft issues are being filed by the parties to the suit. Therefore, the question whether the petitioners are eligible to be impleaded in the suit or not is a matter which the Wakf Tribunal should endeavor to decide before settling the issues. If applications in the form of Exts.P4 and P5 are received and pending at that end, the learned Tribunal will do the needful in the light of what is stated above. This original petition is ordered accordingly without expressing anything on the merits of the claim of the petitioners for impleadment.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(ANU SIVARAMAN, JUDGE)