

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

OP (WAKF).No. 32 of 2014 (R)

PETITIONER(S) :

THE SECRETARY, PALLIKKAL BAZAR JUMA MASJID MAHALLU COMMITTEE,
P.O.PALLIKKAL, MALAPPURAM DISTRICT, KERALA,
REPRESENTED BY ITS SECRETARY, ABDUL LATHEEF.C.K.
S/O.MAMMAD MOYI, AGED 42 YEARS KURUKKULATH HOUSE,
P.O.PALLIKKAL
MALAPPURAM DISTRICT.

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

RESPONDENT(S) :

1. THE KERALA STATE WAQF BOARD,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
NEAR INTERNATIONAL STADIUM, KALOOR, VIP ROAD
KALOOR-682017.

2. THE CHIEF EXECUTIVE OFFICER,
KERALA STATE WAQF BOARD, NEAR INTERNATIONAL STADIUM
KALOOR, VIP ROAD, KALOOR-682017.

3. THE OFFICER IN -CHARGE,
KERALA STATE WAQF BOARD DIVISIONAL OFFICE
KSEB COMPLEX, CALICUT ROAD, MANJERI
MALAPPURAM-676121.

4. THE DISTRICT REGISTRAR AND REGISTRAR OF SOCIETIES,
MALAPPURAM, OFFICE OF THE DISTRICT REGISTRAR
MALAPPURAM-676505.

5. K.LIYAKKATHALI, AGED 48 YEARS,
S/O.HARIDRU, CHEDAKUTHU HOUSE, POST PALLIKKAL
MALAPPURAM DISTRICT, PIN 673634.

6. MUNTHAF,
S/O.SAIDALAVI, PULPARAMBA HOUSE, PALLIKKAL P.O.
673634.

7. ABBAS.C.K.
S/O.MOIDEEN, POTHALAKKAL HOUSE, PALLIKKAL P.O.
673634.

8. BASHEER.C.K.
S/O.VEERAN, PULPARAMBA HOUSE, PALLIKKAL P.O.
673634.

9. PERINCHERRY MAMMUNNI,
S/O.MAMMUTTY, ATHANIKKAL HOUSE, PALLIKKAL P.O.
673634.

10. C.HAMZAKOYA, AGED 42 YEARS,
S/O.AHAMMED, EDAKKACHERI HOUSE, PALLIKKAL P.O.
673634.

11.THE JUNIOR SUPERINTENDENT,
KERALA STATE WAQF BOARD DIVISIONAL OFFICE,
KSEB COMPLEX, CALICUT ROAD, MANJERI,
MALAPPURAM - 676121

(ADDL.R11 IS IMPEADED AS ADDITIONAL 11TH RESPONDENT AS PER THE
ORDER DATED 10/10/2014 IN I.A. NO.13696/2014)

R5 BY ADV. SRI.R.RAMADAS
R6-R10 BY ADV. SRI.T.SETHUMADHAVAN (SR.)
R6-R10 BY ADV. SRI.PUSHPARAJAN KODOTH
R6-R10 BY ADV. SRI.K.JAYESH MOHANKUMAR
R6-R10 BY ADV. SMT.N.DEEPA
R BY GOVERNMENT PLEADER
R BY SRI.K.SHIBILI NAHA

THIS OP (WAKF) HAVING BEEN FINALLY HEARD ON 09-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE APPLICATION FORM NO.615 OF 2014 FILLED UP AND SUBMITTED BY THE PETITIONER THROUGH ITS PRESIDENT TO THE 4TH RESPONDENT.

EXHIBIT-P2: TRUE COPY OF THE REQUEST DTD.31.3.2014 ALONG WITH THE LIST OF THE NEWLY ELECTED MEMBERS SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

EXHIBIT-P3: TRUE COPY OF THE ORIGINAL PETITION NO.17/2014 FILED BY THE RESPONDENTS 5 TO 9 BEFORE THE CHIEF EXECUTIVE OFFICER OF THE KERALA STATE WAQF BOARD.

EXHIBIT-P3(A): TRUE COPY OF THE INTERIM APPLICATION I.A.NO.2/14 IN O.P.17/2014 BEFORE THE CHIEF EXECUTIVE OFFICER OF THE KERALA STATE WAQF BOARD.

EXHIBIT-P4: TRUE COPY OF THE INTERIM ORDER DTD.13.3.2014 PASSED BY THE CHIEF EXECUTIVE OFFICER OF THE 1ST RESPONDENT.

EXHIBIT-P5: TRUE COPY OF THE OBJECTION SUBMITTED BY THE PRESIDENT OF THE SOCIETY IN O.A.17/2014.

EXHIBIT-P5(A): TRUE COPY OF THE IMPEADING PETITION FILED BY THE PETITIONER IN O.A.17/2014 BEFORE THE CHIEF EXECUTIVE OFFICER OF THE KERALA STATE WAQF BOARD.

EXHIBIT-P6: TRUE COPY OF THE APPLICATION NO.1066/2014 SUBMITTED BY THE 5TH RESPONDENT FOR REGISTRATION OF WAKF PROPERTIES CLAIMING TO BE SECRETARY OF THE SOCIETY.

EXHIBIT-P7: TRUE COPY OF THE NOTICE DTD.2.4.2014 ISSUED BY THE 3RD RESPONDENT BEARING NO.REG 1066/14. 615/14.

EXHIBIT-P8: TRUE COPY OF THE APPLICATION FOR ADJOURNMENT DTD.16.4.2014 SUBMITTED BY THE 5TH RESPONDENT CLAIMING TO BE THE SECRETARY OF THE SOCIETY.

EXHIBIT-P9: TRUE COPY OF THE JUDGMENT DTD.8.8.2014 IN W.P.(C) NO.15762/2014 PASSED BY THIS HON'BLE COURT.

EXHIBIT-P10: TRUE COPY OF THE COUNTER STATEMENT SUBMITTED BY THE PRESIDENT OF THE PETITIONER SOCIETY IN REG.NO.1066/2014, 615/2014.

EXHIBIT-P11: TRUE COPY OF THE PLAINT DTD.19.6.2014 IN THE SUIT O.S.225/2014 BEFORE THE MUNDSIFF'S COURT, PARAPPANANGADI.

EXHIBIT-P12: TRUE COPY OF THE APPLICATION NO.3758/2014 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXHIBIT-P13: COPY OF THE NOTIFICATION NO.C1-1833/84 DATED 9.5.2014 ISWUED BY THE CHIEF EXECUTIVE OFFICER OF THE KERALA STATE WAQF BOARD AS PUBLISHED IN THE KERALA GAZETTE.

EXT.P14: COPY OF THE NOTIFICATION ISSUED IN THE SWEBSITE OF the KERALA STATE WAKF OARD www.keralastatewakfboard.in.

EXT.15: COPY OF THE NOTIFICTION DATED 16/1/2013 PURPORTEDLY ISSUED BY THE KERALA STATE WAQF BOARD AND PUBLISHED IN THE GAZETTE DATED 26/3/2013.

EXT.16; COPY OF THE NOTIFICATION DATED 1/11/2013 HAS BEEN ISSUED BY THE CHIEF EXECUTIVE OFFICER AND PUBLISHED IN GAZETTE DATED 10/12/2013.

RESPONDENT(S) ' EXHIBITS

-----: NIL

/TRUE COPY/ PS TO JUDGE.

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

O.P.(WAKF). No. 32 of 2014

Dated this the 9th day of June, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

This original petition was filed alleging that certain actions were being pursued by an officer of the Wakf Board, though he did not have authority to do so. The plea is that even in the absence of the Wakf Board, no such officer could have exercised such authority. There is an interim order of stay granted by this Court. Nothing has happened thereafter. With the passage of time, the Wakf Board has been constituted. Under such circumstances, this original petition is disposed of directing that further action on the basis of the matter pending before the Wakf Board will be taken by the Board in accordance with law. All other issues are left open.

Sd/-

**THOTTATHIL B.RADHAKRISHNAN
Judge**

Sd/-

**SUNIL THOMAS
Judge**

dpk

/True copy/ PS to Judge.

