

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. 39 of 2014 (R)

PETITIONER(S) :

IBRAHIM, AGED 53 YEARS,
S/O.MAKKAR, VELAKKATH HOUSE, VELLOORKUNNAM VILLAGE,
PERUMATTOM, PUTHUPADY P.O., ERNAKULAM.

BY ADVS.SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI.P.U.VINOD KUMAR
SRI.KANDAMPULLY RAHUL
SRI.MITHUN BABY JOHN
SRI.J.RAMKUMAR

RESPONDENT(S) :

1. THE PERUMATTOM MAHALLU JAMA-ATH COMMITTEE,
PERUMATTOM, REPRESENTED BY ITS SECRETARY, 686673.

2. V.M.EDUCATIONAL AND CHARITABLE TRUST,
PERUMATTOM, PUTHUPADY P.O., MUVATTUPUZHA,
REPRESENTED BY ITS SECRETARY, 686673.

3. THE CHIEF EXECUTIVE OFFICER,
KERALA STATE WAKF BOARD, V.I.P.ROAD, KALOOR
KOCHI-17.

R1,R2 BY ADV. SRI.P.K.MOHAMMED PUZHAKKARA
R BY SRI.K.SHIBILI NAHA, SC, KERALA STATE WAKF BOARD

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

OP (WAKF).No. 39 of 2014 (R)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: A TRUE COPY OF THE LEASE DEED NO.3596/2013 OF S.R.O.,
MUVATTUPUZHA.

EXHIBIT-P2: A TRUE COPY OF THE PLAINT IN O.S.NO.45/2013 OF HON'BLE WAKF
TRIBUNAL,
ERNAKULAM.

EXHIBIT-P3: A TRUE COPY OF THE NOTICE DATED 13/3/2014 ISSUED BY THE 3RD
RESPONDENT.

EXHIBIT-P4: A TRUE COPY OF THE ORDER DATED 23/10/2014 ISSUED BY THE 3RD
RESPONDENT.

RESPONDENT(S) ' EXHIBITS
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NIL

/TRUE COPY/

PS TO JUDGE.

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

O.P.(WAKF).No. 39 of 2014

Dated this the 9th day of June, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

Heard the learned counsel for the parties, including the standing counsel for the Wakf Board.

2. The petitioner and others have instituted Ext.P2 suit before the Wakf Tribunal challenging the grant of Ext.P1, which is purported to be a lease deed. During the pendency of that suit, a complaint filed by the petitioner and others about certain matters in relation to the management of the first respondent-Perumattom Mahallu Jama-ath, was taken up by the Chief Executive Officer of the Board and Ext.P4 was issued essentially making reference to the contents of Ext.P1 and the entrustment. We think that such a decision, as contained in Ext.P4, that too, issued on a complaint filed by the petitioner and others, cannot be utilised by either of the parties to fork the adjudication of Ext.P2. We are also of the view that, having regard to the nature of the jurisdiction of the Wakf Tribunal in terms of the Wakf Act 1995, it is within the domain of

the Wakf Tribunal to consider any interlocutory orders for regulating the parties and their conduct during the pendency of Ext.P2 suit.

Under the aforesaid circumstances, Ext.P4 is quashed and the parties are left with liberty to seek relief, including interlocutory, from the Wakf Tribunal, in accordance with law.

Sd/-

THOTTATHIL B.RADHAKRISHNAN
Judge

Sd/-

SUNIL THOMAS
Judge

dpk

/True copy/ PS to Judge.

