

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WA.No. 2278 of 2015 IN WP(C).14497/2015

AGAINST THE JUDGMENT IN WP(C) 14497/2015 DATED 16-07-2015

APPELLANT/PETITIONER :

A.P.ABBAS, AGED 34 YEARS
S/O RAYIN, SECRETARY
MASJID-UL-NOORIYA MUSLIM NAMASKARA PALLI
COMMITTEE (REGN. NO.508/2010)
AR NAGAR, P.O. THIRURANGADI, MALAPPURAM DISTRICT.

BY ADVS.SRI.P.B.KRISHNAN
SRI.SABU GEORGE
SRI.P.B.SUBRAMANYAN
SRI.P.M.NEELAKANDAN
SRI.S.NITHIN (ANCHAL)

RESPONDENTS/RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO REGISTRATION DEPARTMENT
GOVT. SECRETARIAT, THIRUVANANTHPAURAM-695001.
2. INSPECTOR GENERAL
OFFICE OF THE INSPECTOR GENERAL REGISTRAR
THIRUVANANTHAPURAM-695001.
3. DISTRICT REGISTRAR (GENERAL)
OFFICE OF THE REGISTRAR OF SOCIETIES, MALAPPURAM
PIN:676 505.
4. ABOOBAKKER MOOZHICKAL, .
MOOZHICKAL HOUSE, A.R.NAGAR, TIRURANGADI
MALAPPURAM, PIN:679 324

R1 TO R3 BY SPL.GOVERNMENT PLEADER, SMT. GIRIJA GOPAL
R4 BY SRI.R.RAMADAS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 16-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.A. No. 2278 OF 2015

Dated this the 16th day of November, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard both the sides. This Writ Appeal has been filed against the judgment dated 16.07.2015 passed in W.P.(C) No.14497 of 2015 filed by the appellant.

2. In the writ petition the appellant/petitioner has prayed for cancelling Ext.P6 order by which the District Registrar and Registrar of Societies has cancelled the list of Managing Committee members submitted by the petitioner Committee having registration No. 508 of 2010 for the periods 2011-12 to 2014-15. The District Registrar has given detailed reasons in Ext.P6 and observed that the list was filed suppressing the truth and misleading the authorities.

3. In the writ petition the challenge was on the ground that no opportunity was given before cancelling the list already accepted. The Society having registration No.262 of 1987 claims to be a registered Society in existence which is managing the affairs of the Mosque. Learned Single Judge did

not interfere with Ext.P6 order. Learned Single Judge also noticed that a writ petition is also pending in this Court being W.P.(C) No.22721 of 2011, we are of the view that no error has been committed by the learned Single Judge in refusing to interfere with the order of District Registrar and Registrar of Societies.

4. The issue sought to be raised by the appellant/petitioner includes adjudication of facts and consideration of evidence which could not have been done in the proceedings under Article 226. The petitioner is at liberty to get his right adjudicated either in the civil court or as per the provisions of Societies Registration Act.

With the above observation the Writ Appeal is dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**