

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C) .No. 1367 of 2015 (U)

PETITIONER(S) /PETITIONER:

1. MOHAMMED HANEEFA AGED 58 YEARS
S/O.KUNJAIMU HAJI, R/A.KOLASSERY HOUSE, KODIYAMKUNNU
EDATHANATTUKARA P O, PIN-678601

2. PADUVANPADAN HAMSA AGED 50 YEARS
S/O.UMMER, R/A.PADUVANPADAN HOUSE, KODIYAMKUNNU
EDATHANATTUKARA P O, PIN-678601

BY ADVS.SRI.C.KHALID

SRI.N.A.JOSEPH
SRI.K.P.MOHAMED SHAFI
SMT.K.S.HASEENA
SRI.PHIJO PRADEESH PHILIP
SRI.K.REEHA KHADER
SMT.K.K.NESNA

RESPONDENT(S) /RESPONDENTS:

1. P.P.UNNEENKUTTI HAJI, AGED 73 YEARS
S/O.HYDRU, PRESIDENT DARUSSALAM MASJID COMMITTEE
KODIYAMKUNNU, EDATHANATTUKARA, PALAKKAD
PIN-678601

2. V T HAMSA MASTER, AGED 65 YEARS
S/O.HYDROSE, SECRETARY, DARUSSALAM MASJID COMMITTEE
KODIYAMKUNNU, EDATHANATTUKARA, PALAKKAD
PIN-678601

3. POTTIYUR NASEER, AGED 45 YEARS
S/O.UMMER, POTTIYOOR HOUSE, KODIYAMKUNNU
EDATHANATTUKARA, PALAKKAD, PIN-678601

4. ONGALLUR MANSOOR, AGED 21 YEARS
S/O.ABDUL SALAM, KODIYAMKUNNU, EDATHANATTUKARA
PALAKKAD, PIN-678601

5. CHAKKUNTHODI MUJEEB, AGED 25 YEARS
S/O.ALAVIKUTTY, CHAKKANTHODI HOUSE, KODIYAMKUNNU
EDATHANATTUKARA, PALAKKAD, PIN-678601

6. KURIKKADAN MOHAMMADALI,, AGED 30 YEARS
S/O.UMMER, KURIKKADAN HOUSE, KODIYAMKUNNU
EDATHANATTUKARA, PALAKKAD, PIN-678601.

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7. ABDUL RASHEED, AGED 52 YEARS
S/O.KUNJAIMU HAJI, KODIYAMKUNNU, EDATHANATTUKARA
PALAKKAD, PIN-678601

8. KANNANKODAN ABDU, AGED 45 YEARS
S/O.MOHAMMED, KANNANKODAN HOUSE, KODIYAMKUNNU
EDATHANATTUKARA, PALAKKAD, PIN-678601

9. CIRCLE INSPETOR OF POLICE
MANNARKKAD POLICE STATION, PALAKKAD PIN-678582

10. DISTRICT SUPERINTENDENT OF POLICE
PALAKKAD, PIN-678001

R9 AND R10 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S) ' EXHIBITS

P1:-THE COPY OF THE INJUNCTION ORDER PASSED BY WAKF TRIBUNAL ERNAKULAM
IN IA NO 3/2015 IN OS NO 1/2015 ON 7/1/2015

P2:-THE COPY OF THE COMPLAINT SUBMITTED BY THE IST PETITIONER BEFORE
THE RESPONDENT NO 8

P3:-THE COPY OF THE ACKNOWLEDGEENT RECEIPT ISSUED FROM THE CIRCLE
OFFICE MANNARKKAD IN RESPECT OF EXT P2 COMPLAINT DTD 8/1/2015

P4:-THE COPY OF THE PETITION SUBMITTED BY THE PETITIONER NO 1 AND 2
BEFORE RESPONDENT NO 10 SUPERINTENDENT OF POLICE, PALAKKAD DTD
8/1/2015

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

ASHOK BHUSHAN, Ag.CJ & A.M.SHAFFIQUE, J

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Dated this the 14th January, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

Heard learned counsel for the petitioners and the learned Government Pleader. No notice is being issued to respondents 1 to 8, in view of the order, which is being passed.

2. The petitioners by this Writ Petition pray for a mandamus commanding respondents 9 and 10 to take appropriate action and protect the life and limbs of the petitioners, Imam, Katheeb, other staff and other members of Mahal from aggression and violence by respondents 1 to 8 and further interim order be issued to respondents 9 and 10 to guard the Mosque and worshipers attending Friday congregation to be held on 16.1.2015.

3. According to the pleadings in the Writ Petition, the petitioners have already filed O.S.No.1 of 2015 before the

Wakf Tribunal, Ernakulam and in I.A.No.3 of 2015 in O.S.No.1 of 2015 an order has also been passed.

4. The petitioners having already approached the Wakf Tribunal, which is seized of the matter and where an order has been passed, it is open for the petitioners to approach the Wakf Tribunal for appropriate direction. Looking into the nature of dispute, the Wakf Tribunal can issue appropriate direction and the Police authorities can intervene only when there is law and order situation.

5. In the above view of the matter, we see no reason to issue any further direction, except that there will be liberty to the petitioners to move the Wakf Tribunal for seeking appropriate relief and the Police shall intervene only when there is law and order situation.

With the above observation, the Writ Petition is closed.

**ASHOK BHUSHAN
ACTING CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**