

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 4390 of 2014 (W)

PETITIONER(S):

**DHAKNI MUSLIM JAMATH,
REPRESENTED BY K.M.IBRAHIM SAHIB
S/O.K.ABDUL REHIMAN, AGED 65 YEARS
'JAFFAR MANZIL', MUZHATHADAM P.O.
KANNUR DISTRICT.**

**BY ADVS.SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN
SMT.P.S.ANUSHA**

RESPONDENT(S):

- 1. KERALA STATE WAKF BOARD
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
STADIUM ROAD, KALOOR, KOCHI-682017.**
- 2. P.GAFFOOR HAJI
PRESIDENT, DARGHA PARIPALANA COMMITTEE, ISHAM STORE
THEKKE BAZAR, KANNUR-2.**
- 3. S.H.HUSSAIN
S/O.S.M.HUSSAIN, MAKKARI COMMUNITY, THEKKE BAZAR
KANNUR-2.**
- 4. K.C.MOHAMMED KOYA
RECEIVER, DHAKNI MUSLIM JAMATH, P.O.KANNUR
KANNUR DISTRICT.**

**R1 BY SRI.K.SHIBILI NAHA, SC,
R2 BY ADVS. SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 4390 of 2014 (W)

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE STATEMENT SUBMITTED BY THE PETITIONERS' ORGANIZATION FOR THE YEAR 2012-13, TO THE WAKF BOARD**
- P2: COPY OF THE ORDER OF THE WAKF BOARD DATED 24/9/03**
- P3: COPY OF THE PETITION FILED BY THE PETITIONER DATED 24/10/13 BEFORE THE HON'BLE TRIBUNAL WITHOUT DOCUMENTS**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 4390 of 2014

Dated this the 11th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

“i. To call for the records and issue a writ of certiorari or any other appropriate writ, order or direction to quashing Ext.P2 order of Wakf Board.

ii. Declare that the petitioner and their associate are antitled to manage and maintain the Khabarstan.”

2. Heard the learned counsel for the petitioner, the learned Standing Counsel for the 1st respondent and the learned counsel for the 2nd respondent. There is no representation for respondents 3 and 4 despite the completion of service of urgent notice on admission.

3. The learned Standing Counsel for the 1st respondent points out that the petitioner being aggrieved of Ext.P2 order passed under Section 63 of the Waqf Act, 1995 has already moved the Wakf Tribunal by filing O.A. 23 of 2013 as per Ext.P3. This being the position, there cannot be any parallel proceedings by way of writ petition, submits the learned counsel.

4. The learned counsel for the petitioner submits that the prayer is only to cause Ext.P3 to be considered and disposed of within a reasonable time.

5. In the above circumstance, the writ petition is disposed of, directing the Waqf Tribunal to finalize Ext.P3 in accordance with law, after hearing both the sides which shall be done as expeditiously as possible. It is open for the petitioner to move the Tribunal if at all any interim relief is required and it will be for the Tribunal to consider the same depending upon the merit of the case. The writ petition is disposed of.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned authority for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**