

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936**

**WP(C).No. 4733 of 2015 (N)**  
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**PETITIONER(S):**  
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1. **P.M.RAHMATHULLA KHAN, AGED 55 YEARS,  
S/O.P.E.MUHAMED KHAN,  
RESIDING AT SHAJA MAHAL (HOUSE), KOTTANGAL HOUSE,  
MALLAPPALLY TALUK, VAIPUR P.O.,  
PATHANAMTHITTA DISTRICT, PIN-689 588.**
2. **C.M.RASHEEDA BEEVI, AGED 52 YEARS,  
W/O.P.M.RAHMATHULLA KHAN,  
RESIDING AT SHAJA MAHAL (HOUSE), KOTTANGAL HOUSE,  
MALLAPPALLY TALUK, VAIPUR P.O., PATHANAMTHITTA DISTRICT,  
PIN-689 588.**
3. **R.SHANAVAS KHAN, AGED 28 YEARS,  
S/O.P.M.RAHMATHULLA KHAN,  
RESIDING AT SHAJA MAHAL (HOUSE), KOTTANGAL HOUSE,  
MALLAPPALLY TALUK, VAIPUR P.O., PATHANAMTHITTA DISTRICT,  
PIN-689 588.**
4. **R.JAFFER KHAN, AGED 22 YEARS,  
S/O.P.M.RAHMATHULLA KHAN,  
RESIDING AT SHAJA MAHAL(HOUSE), KOTTANGAL HOUSE,  
MALLAPPALLY TALUK, VAIPUR P.O., PATHANAMTHITTA DISTRICT,  
PIN-689 588.**

**BY ADVS.SRI.R.O.MUHAMED SHEMEEM  
SMT.NASEEHA BEEGUM P.S.  
SRI.T.PABDUL HAMEED**

**RESPONDENT(S):**  
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1. **THE CHIEF EXECUTIVE OFFICER,  
KERALA STATE WAKF BOARD, NEAR INTERNATIONAL STADIUM,  
KALOOR, ERNAKULAM.**

**Msv/**

2. VAIPUR MUSLIM PAZHAYAPALLY JAMA'ATH,  
VAIPUR (P.O.), MALLAPPALLY TALUK,  
PATHANAMTHITTA DISTRICT, PIN-689 588,  
REPRESENTED BY ITS PRESIDENT, K.H.SULAIMAN,  
S/O.MEERAN KUNJU RAWTHER, AGED 70 YEARS,  
RESIDING AT KALLIPARA VEEDU, PADIMON (P.O.), PIN-689 587.
3. T.A.MUHAMMED ISMAIL,, AGED 45 YEARS,  
S/O.P.E.ABDUL REHIMAN, VICE PRESIDENT,  
VAIPUR MUSLIM PAZHAYAPALLY JAMA'ATH, VAIPUR (P.O.),  
MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT,  
PIN-689 588.
4. C.I.FASAL, AGED ABOUT 25 YEARS,  
S/O.K.H.ISMAIL, GENERAL SECRETARY,  
VAIPUR MUSLIM PAZHAYAPALLY JAMA'ATH,  
VAIPUR (P.O.), MALLAPPALLY TALUK,  
PATHANAMTHITTA DISTRICT, PIN - 689 588.
5. P.A.REHMATHULLA KHAN, AGED ABOUT 30 YEARS,  
S/O.ADIMA RAWTHER, SECRETARY,  
VAIPUR MUSLIM PAZHAYAPALLY JAMA'ATH,  
VAIPUR (P.O.), MALLAPPALLY TALUK,  
PATHANAMTHITTA DISTRICT, PIN - 689 588.
6. V.K.MOHAMMED HUSSAIN, AGED ABOUT 55 YEARS,  
S/O.LAE KASSIM RAWTHER, TREASURER,  
VAIPUR MUSLIM PAZHAYAPALLY JAMA'ATH,  
VAIPUR (P.O.), MALLAPPALLY TALUK,  
PATHANAMTHITTA DISTRICT, PIN - 689 588.

BY SRI.K.SHIBILI NAHA, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**WP(C).No. 4733 of 2015 (N)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXT.P1 TRUE COPY OF THE BYE LAW OF VAIPUR MUSLI JAMA'ATH.**

**EXT.P2 & P2(A) TRUE COPIES OF THE APPLICATIONS DATED 23.06.2014 UNDER  
RIGHT TO INFORMATION ACT SUBMITTED TO THE INFORMATION  
OFFICER MUHAMMADEN L.P.SCHOOL, BY THE 1ST AND  
2ND PETITIONERS.**

**EXT.P3 TRUE COPY OF THE REPLY DATED 25.07.2014 BY THE HEAD MASTER  
MUHAMMADEN L.P.SCHOOL, TO THE 1ST PETITIONER.**

**EXT.P4 TRUE COPY OF THE PETITION DATED 22.06.2014 BY THE PETITIONER TO  
THE 1ST RESPONDENT.**

**EXT.P5 TRUE COPY OF THE REPORT DATED 07.10.2014 BY THE WAQF INSPECTOR,  
DIVISIONAL OFFICE AT THIRUVANANTHAPURAM.**

**RESPONDENT(S)' EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE**

**Msv/**

**P.R. RAMACHANDRA MENON J.**

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W.P.(C) No. 4733 of 2015

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Dated, this the 24<sup>th</sup> day of February, 2015

**JUDGMENT**

The petitioners have approached this Court with the following prayers :

"i, To issue a writ of mandamus or any other appropriate writs, order or directions commanding the 1<sup>st</sup> respondent to consider and pass appropriate order on Exts. P4 and P5 in accordance with law as expeditiously as possible.

ii. To issue a writ of mandamus or any other appropriate writs, order or directions commanding the respondents to provide with all religious and other services of the 1<sup>st</sup> respondent Jama'ath to the petitioners and their family in any mode and permit him to perform Namaz and other rituals, practices and routine observances in the mosque and Waqf uninterruptedly including participate in election and General Body Meeting till the disposal of Exts. P4 and P5.

iii. To grant such other reliefs as may be deemed just and proper.

2. The learned counsel for the petitioners submits that the petitioner will be satisfied, if a direction is given to the first respondent to consider and pass appropriate orders on Exts. P4 and P5 within a reasonable time.

3. Heard the learned standing counsel for the respondents as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to adjudicate the matter on merits. The Writ Petition is disposed of, directing the first respondent to consider and pass appropriate orders on Exts. P4 and P5 in accordance with law with notice to the petitioner and the respondents 3 to 6, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

Petitioners shall produce a copy of this judgment along with copy of the writ petition before the first respondent for further steps.

Sd/-

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

kmd