

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

WP(C).No. 8465 of 2015 (G)

PETITIONER :

**M.M.SHAJAHAN
AGED 49 YEARS,S/O. LATE MUHAMMED
MUDoor VEEDU, POOZHICOL P.O.,
KADUTHURUTHY, KOTTAYAM DISTRICT
PIN – 686 604.**

**BY ADVS.SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI.RAHUL KANDAMPULLY
SRI.MITHUN BABY JOHN
SRI.J.RAMKUMAR**

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
KOTTAYAM-686 001.**
- 2. THE SUB DIVISIONAL MAGISTRATE/
REVENUE DIVISIONAL OFFICER,
PALA-686 575.**
- 3. THE ADDITIONAL TAHSILDAR,
VAIKOM-686 141.**
- 4. THE CHIEF EXECUTIVE OFFICER,
KERALA STATE WAKF BOARD, V.I.P. ROAD,
KALOOR-682 017.**
- 5. THE SECRETARY/MUTHAVALLI,
MANNAR-POOZHICOL MUSLIM JUMA ATHE
POOZHICOL P.O, KADUTHURUTHY, KOTTAYAM
PIN-686 604.**

6. MYMOON BEEVI M.S.,
AGED ABOUT 58 YEARS,
D/O.SAIDU MOHAMMED, MUDDOOR HOUSE,
POOZHIKOL P.O., KADUTHURUTHY, KOTTAYAM DISTRICT,
PIN-686 604.

R1 TO R3 BY GOVT. PLEADER SMT. C.K.SHERIN
R4 BY ADV. SRI.K.SHIBILI NAHA, SC
R6 BY ADVS. SRI.T.HABDUL AZEEZ
SRI.K.V.VASAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Mn

...3/-

WP(C).No. 8465 of 2015 (G)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P-1: A TRUE COPY OF THE ORDER DATED 19.6.2012 ISSUED BY THE 4TH RESPONDENT.

EXHIBIT P-2: A TRUE COPY OF THE REPORT DATED 28-09-2012 SUBMITTED BY THE ADDITIONAL TAHSILDAR, VAIKOM ALONG WITH THE SECTCH DATED 23.2.2011 OF THE TALUK SURVEYOR.

EXHIBIT P-3: A TRUE COPY OF THE FINAL ORDER DATED 28.3.2012 ISSUED BY THE 4TH RESPONDENT FOR EXECUTION OF THE SAME BY THE 2ND RESPONDENT.

EXHIBIT P-4: A TRUE COPY OF THE ORDER DATED 11.6.2013 IN W.O.A NO.17/2012 OF THE HON'BLE WAKF TRIBUNAL.

EXHIBIT P-5: A TRUE COPY OF THE LETTER DATED 20.11.2013 ISSUED BY THE 4TH RESPONDENT TO THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J.

W.P(C) No.8465 of 2015

Dated this the 31st day of July, 2015

J U D G M E N T

The petitionr is a member of the Jumaath of which the 5th respondent Secretary seeks implementation of Ext.P4. The controversy revolves around an alleged encroachment of the 6th respondent into Waqf property. The 4th respondent-the Chief Executive Officer is said to have conducted an enquiry and on the basis of Ext.P2 sought for eviction of the 6th respondent from the encroachment. The 6th respondent filed an appeal before the Waqf Tribunal which was disposed of by Ext.P4. In Ext.P4 it was directed that the 1st respondent therein, that is the 4th respondent herein would take steps to conduct a proper survey. The order passed by the 4th respondent was also set aside.

2. The learned counsel appearing for the 6th

respondent submits that the petitioner has no locus standi and it is for the 1st respondent to carry out the directions of Ext.p4. In any event, the learned Government Pleader submits that the survey as directed in Ext.P4 has been conducted at the instance of the 4th respondent and the survey plan and sketch would be handed over to the 4th respondent expeditiously.

Recording the submission of the learned Government Pleader, the writ petition would stand disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge