

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

WP(C).No. 14416 of 2015 (B)

PETITIONER(S):

- 1. HAJI K.M. SHARAFUDEEN, PRESIDENT,
PARAVUR MUSLIM JAMA-ATH,
THEKKUMBHAGAM P.O., PARAVUR, KOLLAM-691319.**
- 2. HAJI K.M. MOHAMED BASHIR, SECRETARY,
PARAVUR MUSLIM JAMA-ATH,
THEKKUMBHAGAM P.O., PARAVUR, KOLLAM-691319.**

**BY ADVS.SRI.ASHIK K.MOHAMMED ALI
SMT.SAJNA T.UMMER
SMT.V.RAIMA RAMESH**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE PRINCIPAL SECRETARY,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 3. THE SUB INSPECTOR OF POLICE,
PARAVOOR POLICE STATION, KOLLAM-691301.**
- 4. THE ASSISTANT COMMISSIONER OF POLICE,
CHATHANNOOR, KOLLAM-691572.**
- 5. M.NAJEEB, THEKKETHUNIKKADAVIL,
THEKKUMBHAGAM P.O., PARAVUR, KOLLAM-691319.**
- 6. AMJATHAGHAN, S/O.BASHEER, KUNCHANTAZHIKOM,
KOTTAPPURAM P.O., PARAVUR, KOLLAM-691301.**

7. SHAJAHAN, S/O.MUHAMMED ILIYAS, S.S.MANZIL,
KOTTAPPURAM P.O., PARAVUR, KOLLAM-691301.
8. SHUHAIB, S/O.ASSNARUKUNJU,
CHUNGANAZHIKAM, THEKKUMBHAGAM,
PARAVUR, KOLLAM-691319.
9. NAJIB, S/O.ABDUL VAHAB, KIZHAKKE VEEDU,
THEKKUMBHAGOM P.O., PARAVUR, KOLLAM-691319.
10. BASHEER, VELIKAGAM, THEKKUMBHAGOM P.O.,
PARAVUR, KOLLAM-691319.
11. NAHAS, S/O.MUHAMMED SALI, THONIKADAVU,
THEKKUMBHAGAM P.O., PARAVUR, KOLLAM-691319.
12. SAM, S/O.AL-AMEEN, MOOKANAZHIKAM,
THEKKUMBHAGOM P.O., PARAVUR, KOLLAM-691319.

R1 TO R4 BY SENIOR GOVT. PLEADER SRI.C.R.SUNILKUMAR
R8, R9 & R11 BY ADV. SRI.S.M.ALTHAF

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1 : TRUE COPY OF THE INTERIM ORDER OF THE WAKF BOARD IN OP 30/2013.
- EXT.P2 : TRUE COPY OF THE RECEIPT ISSUED BY ADVOCATE MANACCADU BADARUDEEN KOYA IN OP 30/13.
- EXT.P3 : TRUE COPY OF THE ORDER DT.30-12-2014 OF THE WAKF BOARD IN OP 30/2013.
- EXT.P4 : TRUE COPY OF THE REQUEST DT.9-2-2015 GIVEN BY THE JAMA-ATH BEFORE THE WAKF BOARD ALONG WITH THE ENGLISH TRANSLATION.
- EXT.P5 : TRUE COPY OF THE ACKNOWLEDGMENT CARD ISSUED BY THE WAKF BOARD.
- EXT.P6 : TRUE COPY OF THE PETITION DT.10-2-2015 BEFORE THE 3RD RESPONDENT ALONG WITH THE ENGLISH TRANSLATION.
- EXT.P7 : TRUE COPY OF THE RECEIPT ISSUED BY THE 3RD RESPONDENT.
- EXT.P8 : TRUE COPY OF THE INTERIM ORDER DT.16-2-2015 OF THE HONOURABLE WAKF TRIBUNAL, KOLLAM IN OS 8/2015 ALONG WITH THE ENGLISH TRANSLATION.
- EXT.P9 : TRUE COPY OF THE INTERIM ORDER DT.3-3-2015 OF THE HONOURABLE WAKF TRIBUNAL, KOLLAM IN OS 9/2015.
- EXT.P10 : TRUE COPY OF THE PETITION PREFERRED BEFORE THE SUPERINTENDENT OF POLICE, KOLLAM ALONG WITH THE ENGLISH TRANSLATION.
- EXT.P11 : TRUE COPY OF THE RECEIPT ISSUED BY THE SUPERINTENDENT OF POLICE ALONG WITH THE ENGLISH TRANSLATION.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

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

*** * * * ***

W.P.C.No.14416 of 2015

Dated this the 29th day of May 2015

J U D G M E N T

Ashok Bhushan, CJ

Petitioners have approached this Court seeking police protection inter alia alleging that private respondents 5 to 12 are interfering with the management of the Jama Ath and also threatening the members of Jama Ath. It is stated that there is a direction by the Wakf Board to conduct election of the organisation. In view of the obstructions being created and non-compliance of certain statutory requirements, election could not be conducted. In the meantime, private respondents are threatening the members of the Jama Ath and preventing the functioning of the organisation.

2. Learned counsel appearing for respondents 8, 9 and 11 submitted that the whole intention of the petitioners is to delay the election as directed to be held in terms of Ext.P1. The term of office of the Jama Ath committee has already expired and they are continuing in office despite the

directions issued by Ext.P1. The entire members of the Jama Ath want an election to be conducted and this writ petition is also filed only for the purpose of delaying the election.

3. On account of the factual situation that has arisen in the case, we do not think that police can interfere in the internal dispute between the members of the Jama Ath. If the respondents have any issues relating to the functioning of the Jama Ath, it is for them to approach the appropriate Civil Court/Tribunal in the matter. Police cannot interfere and resolve such disputes. Police can interfere only if there is any law and order situation. Such eventuality has not occurred, as matters stand now. Under such circumstances, we do not think that any direction, as sought for, can be issued. Accordingly, this writ petition is dismissed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

