

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 25131 of 2015 (N)

PETITIONER(S):

- 1. KALARIKANDY PARAMBA HANEEFA,
NATIONAL STEEL AGENCIES, 7/196, COURT ROAD,
KOZHIKODE-673 001.**
- 2. KALARIKANDY PARAMBA KASIM, NATIONAL STEEL AGENCIES,
COURT ROAD, KOZHIKODE-673 001.**

**BY ADVS.SRI.V.V.SURENDRAN
SRI.P.A.HARISH**

RESPONDENT(S):

- 1. THE KERALA STATE WAQF BOARD,
REPRESENTED BY CHEIF EXECUTIVE OFFICER, V.I.P. ROAD,
KALOOR, KOCHI-682 017.**
- 2. THE CHIEF EXECUTIVE OFFICER,
KERALA STATE WAQF BOARD, V.I.P. ROAD, KALOOR,
KOCHI-682 017.**
- 3. THE REGIONAL OFFICER,
REGIONAL OFFICE, KERALA STATE WAQF BOARD,
ERROTH CENTER, BANK ROAD, KOZHIKODE-673 001.**
- 4. K.M.SHABEER AHAMMED,
SECRETARY, PUTHIYA MALIEKAL MAMMU HAJI, WAQF,
COURT ROAD, KOZHIKODE-673 001.**

R1 TO R3 BY SRI.K.SHIBILI NAHA, SC, KERALA STATE WAKF BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 25131 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: A TRUE COPY OF THE COMPLAINT DATED 27.1.2012.
- EXHIBIT P2: A TRUE COPY OF THE ENQUIRY NOTICE OF THE 2ND RESPONDENT.
- EXHIBIT P3: A TRUE COPY OF THE COUNTER STATEMENT OF PETITIONERS.
- EXHIBIT P4: A TRUE COPY OF THE WAQF DEED REGISTERED AS DOCUMENT NO.517/1951.
- EXHIBIT P5: A TRUE COPY OF THE CHIEF AFFIDAVIT OF THE IST PETITIONER.
- EXHIBIT P6: A TRUE COPY FO THE LSIT OF DOCUMENTS.
- EXHIBIT P7: A TRUE COPY OF THE NOTICE FROM THE IST RESPONDENT TO THE PETITIONERS DATED 28.7.2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

W.P.(C) No. 25131 of 2015 (N)

Dated this the 20th day of August, 2015

J U D G M E N T

The petitioner has been issued with a notice of enquiry and is aggrieved with the same insofar as the petitioner has been directed to hand over possession of Puthiya Maliekal Mammu Haji Waqf, Kozhikode, to the Chief Executive Officer, the 2nd respondent herein.

2. The learned Standing Counsel for the Waqf Board appears and contends that the Chief Executive Officer, after hearing the objections of the petitioner, if satisfied that the petitioner be divested of such possession, has to make an application before the Tribunal to that effect.

3. The petitioner is also aggrieved with the fact that the 2nd respondent had earlier called upon him to submit the objections to the 3rd respondent, and he having already submitted the objections and all documents before the 3rd respondent.

4. The documents and objections were submitted before the 3rd respondent pursuant to the notice issued at Ext.P2. The learned counsel appearing for the Waqf Board also submits that the hearing is posted to today before the 2nd respondent. In the circumstance of the petitioner having filed all the documents and objections before the 3rd respondent, it is only appropriate that the 2nd respondent call for the same from the 3rd respondent and conduct the hearing. The hearing posted today shall stand adjourned to 03.09.2015, on which day the petitioner shall appear before the 2nd respondent and the matter shall be finalised in accordance with law.

Writ petition is disposed of making it clear that till orders are obtained from the Tribunal, the petitioner shall not be asked to handover vacant possession of the property.

Sd/-
K.VINOD CHANDRAN,
JUDGE