

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 35877 of 2015 (H)

PETITIONER(S) :

- 1. KALLIYIL PAREEKUTTY, AGED 67 YEARS,
S/O.MOYINKUTTY, THAHA MANZIL, PUTTEKKATT P.O.,
FEROKE, NALLUR, KOZHIKODE-673 631.**
- 2. ILLIKKAL MUHAMMED HANEEFA, AGED 45 YEARS,
S/O. MUHAMMED, THAZHE IDAKKAYIL HOUSE, PUTTEKKATT P.O.,
NALLUR, P.O.FEROKE, FEROKE AMSOM,
NALLUR DESOM, KOZHIKODE-673 631.**
- 3. MANAKKAD ABDUL KHADER, AGED 53 YEARS,
S/O. MOIDEENKUTTY, PALAKKODI HOUSE, PUTTEKKATT P.O.,
FEROKE, NALLUR-673 631.**

BY ADV. SRI.R.RAMADAS

RESPONDENT(S) :

- 1. ILLIKKAL KUNHIMOIDEEN @ BAPPUTTY HAJI, AGED 72 YEARS,
S/O. HASSAN HAJI, RAZEENA MANZIL, PRESIDENT,
PUTTEKKATT MAHALLU JUMA ATH PALLI COMMITTEE,
FEROKE AMSOM, NALLUR DESOM, KOZHIKODE TALUK, PIN-673 631.**
- 2. K.MOYINKUTTY, AGED 54 YEARS,
S/O. AVARANKUTTY, THARAYIL HOUSE, SECRETARY,
PUTTEKKATT MAHALLU JUMA ATH PALLI COMMITTEE,
P.O.FEROKE, FEROKE AMSOM, NALLUR DESOM,
KOZHIKODE TALUK-673 631.**
- 3. KERALA STATE WAKF BOARD,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
V.I.P.ROAD, NEAR KALOOR STADIUM, KALOOR, KOCHI-17.**
- 4. THE SECRETARY,
RAHMANIYA SECONDARY MADRASSA, PUTTEKKATTU, FEROKE,
KOZHIKODE DISTRICT, PIN-673 631.**

R3 BY ADV. SRI.K.SHIBILI NAHA, S.C, KERALA STATE WAKF BOARD

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE ORDER DATED 06-07-2013 OF THE KERALA STATE WAKF BOARD IN I.A.NO. 49/2013 IN O.P.NO.49/2013.

EXHIBIT P2: TRUE COPY OF THE ORDER DATED 22-11-2013 IN C.R.P.(WAKF) NO. 577/2013.

EXHIBIT P3: TRUE COPY OF THE JUDGMENT DATED 23-09-2014 IN O.P.(W) NO. 22/2013 AND O.P(W) NO.31/2014.

EXHIBIT P4: TRUE COPY OF THE ORDER DATED 05-01-2015 IN I.A.NO. 832/2013 IN O.S.NO. 56/2013 OF WAKF TRIBUNAL, KOZHIKODE.

EXHIBIT P5: TRUE COPY OF THE JUDGMENT DATED 02-09-2015 IN O.S.NO. 56/2013 BY THE WAKF TRIBUNAL.

EXHIBIT P6: TRUE COPY OF THE LETTER DATED 21-10-2015 ISSUED BY THE RETURNING OFFICER TO THE SECRETARY OF RAHMANIYA SECONDARY MADRASSA, PUTTEKKATT.

EXHIBIT P7: TRUE COPY OF THE LETTER DATED 24-10-2015 BY THE PRESIDENT AND SECRETARY OF RAHMANIYA HIGHER SECONDARY MADRASSA COMMITTEE.

EXHIBIT P8: TRUE COPY OF THE INTERIM REPORT BEFORE THE WAKF BOARD SUBMITTED BY THE RETURNING OFFICER.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.35877/2015**  
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Dated this the 4th Day of December, 2015

J U D G M E N T

The petitioners are the General Body members of the Puttekkattu Mahallu Juma-ath Palli Committee. The Puttekkattu Mahallu Juma-ath Palli Committee is a Wakf registered with the third respondent-Kerala State Wakf Board. The Wakf Board appointed an Election Returning Officer to conduct election related works. The Returning Officer has chosen the Rahmaniya Secondary Madrassa building at Puttekkatt for conducting election. The aforementioned Rahmaniya Secondary Madrassa Committee is also a Wakf. The Secretary of the Rahmaniya Secondary Madrassa refused to part away with the premises to hold the election. This is reflected from Ext.P7.

2. This Court is of the view that the third respondent-Board shall take necessary action to hold

election. If no other place is available, the place chosen by the Returning Officer shall be selected. If the premises chosen by the Returning Officer is refused to be parted with by the *Muthawalli*, the Board shall ensure that election is conducted with the assistance of Police. The Station House Officer having competent jurisdiction shall ensure that necessary assistance is given on receipt of such request from the Board or the Returning Officer. However, before taking a decision, the respondents 1, 2 and 4 shall also be heard by the Board. The Station House Officer, Feroke is directed to comply with any request of the Wakf Board or of the Returning Officer.

A.MUHAMED MUSTAQUE, JUDGE

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