

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 37799 of 2015 (Y)

PETITIONER:

**CHERUVATTY USMAN HAJI, AGED 73 YEARS,
S/O.SAIDALAVI, MUTAWALLI, GURIKKANMARAKATH WAKF,
FOUSIYA MANZIL, MEL MUNIGODI P.O, PERVOOR -670 673,
KANNUR DISTRICT.**

**BY ADVS.SRI.P.CHANDRASEKHAR
SRI.P.A.MOHAMMED SHAH
SMT.UMA
SRI.K.NANDAKUMAR
SMT.MARY RESHMA GEORGE
SMT.V.A.HARITHA
SMT.P.M.MAZNA MANSOOR**

RESPONDENTS:

- 1. THE SUB INSPECTOR OF POLICE,
KATHIROOR POLICE STATION,
KANNUR DISTRICT, PIN -670 642**
- 2. NOUSHAD,
KOTTAYAM MAHALLU JAM-ATH, ANGADI,
KOTTAYAM TALASSERY TALUK, KANNUR- 670 643**
- 3. SHEMEEM, S/O.C.C MAMMU,
KOTTAYAM MAHALLU JAM-ATH,
KOTTAYAM THALASSERY TALUK, KANNUR- 670 643**
- 4. SIRAJ, S/O.ABU,
KOTTAYAM MAHALLU JAM-ATH,
KOTTAYAM THALASSERY TALUK, KANNUR -670 643**
- 5. UMMER VALAKODE,
KOTTAYAM MAHALLU JAM-ATH ,
KOTTAYAM THALASSERY TALUK,KANNUR -670 643**
- 6. SIRAJ,
S/O.BAPPUTTY, KOTTAYAM MAHALLU JAM-ATH,
KOTTAYAM THALASSERY TALUK, KANNUR- 670 643**

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7. HASHIM,
KOTTAYAM MAHALLU JAM-ATH ,
KOTTAYAM THALASSERY TALUK,
KANNUR -670 643
8. THE KERALA STATE WAKF BOARD,
REPRESENTED BY ITS EXECUTIVE OFFICER,
V. I. P ROAD, KALLOOR,
ERNAKULAM, KOCHI- 682 017

R1 BY SR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R8 BY SRI.K.SHIBILI NAHA, SC, KERALA STATE WAKF BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

sts

WP(C).No. 37799 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF JUDGMENT DTD 12/10/2012 IN WPC NO.23975 OF 2012**
- P2:- TRUE COPY OF ORDER DTD 9/11/2015 IN IA NO.97/2012 IN OP NO.119/2012 OF THE WAKF TRIBUNAL KOZHIKODE.**
- P3:- TRUE COPY OF PEITION DTD 4/12/2015 SUBMITTED BY THE PETITIONER BEFORE THE IST RESPONDENT**
- P4:- TRUE COPY OF RECEIPT DTD 4/12/2014 ISSUED BY IST RESPONDENT TO THE PETITIONER**

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

/TRUE COPY/

P.S.TO JUDGE

sts

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.P. (C) No. 37799 of 2015

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Dated this, the 21st day of December, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel for the petitioner and the learned Senior Government Pleader. No notice is being issued to respondents 2 to 7 in view of the judgment which is being passed.

2. This writ petition has been filed by the petitioner seeking police protection to the petitioner to discharge his duties as Mutawalli of Wakf. Petitioner's case is that undue obstruction is being created by the respondents. Petitioner has also relied on Ext.P2 order of the Wakf Tribunal dated 9th November, 2015. A complaint is made to the Sub Inspector of Police, Ext.P3, on 4/12/2015.

3. Learned Government Pleader after obtaining instructions submitted that after the order of the Wakf Tribunal, Ext.P2, there has been no law and order situation and petitioner is discharging his duties as Mutawalli. It is submitted that police

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-:2:-

authorities are keeping a vigil over the matter and if any law and order situation arises, appropriate measures shall be taken.

With the above observations, this writ petition is closed.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp21/12/2015

//True Copy//

PS to Judge