



WEB COPY



CMP.No.1003:
in L.P.A.SR.No.58662 of 2023

CMP.No.10035 of 2023
in
L.P.A.SR.No.58662 of 2023

R. MAHADEVAN, J.

and

MOHAMMED SHAFFIQ, J.

(Order of the Court was made by R. MAHADEVAN, J.)

According to the learned counsel for the petitioner / appellant, the contempt petition bearing no.985 of 2023 was filed for the alleged violation of the order passed in WP.No.20528 of 2022 wherein a direction was issued to the second respondent to conduct election for the appellant viz., Syed Sadiq Mosque and Dargah Wakf, within the time fixed therein. However, a direction was issued in the contempt petition to take direct management of the wakf, which was not the order passed in the writ petition. Therefore, the direction so issued in the contempt petition is beyond the scope of the contempt petition. It is further submitted by the learned counsel that the appellant was not a party to the writ petition, against which the contempt petition was filed. Even in the contempt petition, the appellant was not arrayed as a party and it was *suo motu* impleaded by the learned Judge. However, without hearing the appellant, the learned Judge has passed the order with adverse findings against them, which is contrary to the principles of natural justice.

2.On the other hand, Mr.S.Haja Mohideen Gisti, learned counsel appearing for the second respondent submitted that as per the order dated 21.04.2023 passed in the contempt petition, the second respondent has acted upon and the appellant wakf is under their administration.



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3.In reply, learned counsel appearing for the appellant submitted that the appellant is still having administration as well as possession.

4.The aforesaid submissions made by the learned counsel appearing for the appellant as well as the second respondent are recorded. Upon considering the facts and circumstances of the case, this petition seeking to dispense with the production of the original order dated 21.04.2023 passed in Contempt Petition No.985 of 2023, is ordered for the present. Registry is directed to number the appeal, if it is otherwise in order and post the same for admission in usual course. Till such time, both the parties shall maintain *status quo* as on date.

[R.M.D., J.] [M.S.Q., J.]
28.04.2023

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