

A DIARY
Dated: 06.06.2024

1. OP No. 144/2023 Masjidul Ijaba Muslim Jama-ath, Alappuzha

The above OP is filed by petitioners under Secs. 32, 70 &71 of the Waqf Act seeking the following reliefs: - (1) call for the records pertaining to suspension notice issued by the 2nd respondent dated 14.07.2023 (2) to set aside the suspension notice dated 14.07.2023 issued by the 2nd respondent to suspend the petitioners, and (3) appoint a returning officer to conduct election for the year 2023-25.

The case of the petitioners is that the respondents issued a show cause notice dated 11/7/2023 to them, to give explanation on the videos and photos of the dining hall of the 1st respondent, taken and circulated in the social media by the petitioners with the intention to defame the 1st respondent. This act is violation of the S. XXX of the byelaw of the 1st respondent.

The petitioners responded to the show cause notice with a reply letter denying all the allegations stating that there is no ban to enter and make photos and videos of the dining hall. Petitioners didn't defame any of the members of the 1st respondent. Moreover the committee members took the private videos of the petitioners and circulated it in the social media. The petitioners cautioned the respondents to remove it or otherwise they will initiate legal proceedings under IT Act. Thereafter the 1st respondent committee, whose term was already expired on February 2023, issued a suspension notice to petitioners on 14.07.2023. As per bye law the present Committee is a care taker committee and it has no authority to take policy decisions and disciplinary actions.

On 18.10.2023, when the matter came up, the respondents didn't turn up. The petitioners filed ex-party affidavit. It is to be reasonably presumed that respondents are not having anything to submit with regard to the allegation in the petition. The notice issued to the petitioners by the jama-ath committee does not reveal that how the photo defamed the jama-th in the public and also the allegation

leveled against the petitioner is not clear . On perusal of clause No.XXX of the bye-law it is seen that “ജമാഅത്തു വക സ്ഥാവര ജംഗമ സ്വത്തുക്കൾ നശിപ്പിക്കുക. ജമാഅത്തിന്റെ ഉത്തമ താൽപര്യങ്ങൾക്കും നിയമാവലിക്കും എതിരായി പ്രവർത്തിക്കുക. ജമാഅത്തിന്റെ ഉത്തരവുകളും ആജ്ഞകളും ധിക്കരിക്കുക. ജമാഅത്തിനെ അപകീർത്തിപ്പെടുത്താനും കഷ്ടനഷ്ടങ്ങൾ വരുത്തി തീർക്കാനും ഉദ്ദേശിച്ചുള്ള പ്രവർത്തനങ്ങളിൽ ഏർപ്പെടുക. ജമാഅത്ത് ഉദ്ദേശ്യാഗസ്ഥൻമാർ, വർക്കിംഗ് കമ്മറ്റി, കമ്മറ്റി അംഗങ്ങൾ, ഔദ്യോഗിക ഭാരവാഹികൾ എന്നിവരുടെ പേരിൽ ദുഷ്പ്രചരണങ്ങൾ പ്രചരിപ്പിക്കുകയും അടിസ്ഥാന രഹിതമായ ആരോപണങ്ങൾ ഉന്നയിക്കുകയും ചെയ്യുക. ജമാഅത്തിന് അപമാനകരമായ പ്രവർത്തനങ്ങളിൽ ഏർപ്പെടുക തുടങ്ങിയ ഹീനമായ പ്രവർത്തനങ്ങൾ നടത്തുന്ന ജമാഅത്ത് അംഗങ്ങളുടെയും അവർ ഉൾക്കൊള്ളുന്ന കുടുംബങ്ങളുടേയും മേൽ നിസ്സഹകരണം, സസ്പെൻഷൻ, ജമാഅത്തിൽ നിന്ന് നീക്കം ചെയ്യൽ, അധികാരസ്ഥാനങ്ങളിൽ പരാതി നൽകൽ, നഷ്ടപരിഹാരം ഈടാക്കൽ തുടങ്ങിയ ശിക്ഷണ നടപടികൾ സ്വീകരിക്കുന്നതിന് വർക്കിംഗ് കമ്മറ്റിക്കും ജനറൽ ബോഡിക്കും അധികാരം ഉറപ്പായിരിക്കുന്നതാണ്. മദ്യപാനം, വ്യഭിചാരം, ചൂതുകളി തുടങ്ങിയ ദുഷ്കൃത്യങ്ങളിൽ ജമാഅത്ത് അംഗങ്ങൾ ഉൾപ്പെട്ടിട്ടുള്ളതായി വർക്കിംഗ് കമ്മറ്റിക്കോ ജനറൽ ബോഡിക്കോ ബോധ്യമായാൽ ഉചിതമായ ശിക്ഷണ നടപടികൾക്കെക്കൊള്ളുന്നതിന് വർക്കിംഗ് കമ്മറ്റിക്കും ജനറൽബോഡിക്കും അധികാരം ഉറപ്പായിരിക്കുന്നതാണ്” From the above provision it is seen that absolute power is given to the committee and general body to impose unity of methods like expulsion, ostraciszetion, preclude the family of such persons etc. cannot be allowed as the same is against the human right and basic principles of law. The Board had already issued a common direction to all auqaf in these types of matters. Even though the committee can take disciplinary action its members for reasonable causes that shall not affect their human rights and cannot remove a member from his membership without proper evidence and the notice dated 14-07-2023 does not disclose the proper reasoning for the findings of the working committee.

Hence, Board finds that the notice dated 14-07-2023 issued to the petitioner

is without proper reason and hence same is liable to be dismissed. On perusal of the files regarding this waqf available in this office, it is seen that that the term of the committee was expired long back and the present committee is only a care taker committee. Several other litigations are also pending before the Board with regard to the administration of this waqf. AS a term of the committee has expired and there are disputes with regard to their continuation Board finds that it is proper to appoint a returning officer for conducting election to the jama-ath committee through secret ballot system after following all procedural formalities. In the light of the above finding the following orders are passed:

- a) The notice dated 14-07-2023 issued by the respondent committee to the petitioner removing him from membership is hereby set aside and the committee is directed to give membership to the petitioner after accepting requisite membership fee and provide all service benefits to the petitioner. The petitioner shall co-operate with the activities of the mahal and shall not do any acts which are prejudicial to the interest of the waqf.
- b) Adv.Althaf Subair is appointed as Returning Officer for conducting election to the jama-ath committee through secret ballot system. The Returning Officer shall comply with all procedural formalities in connection with the election and shall complete the election process within a period of 2 months from the date of receipt of this order. The jama-ath committee shall provide all necessary assistants to the returning officer and shall pay initial batta of Rs.15,000/- to the returning officer within one week from the date of receipt of this order. The expenses for conducting election shall be met from the jama-ath funds.

2. OP No. 6/2024 Puthoor Pally Muslim Jama-ath, Kottayam
Order not ready. Posted to 07.08.2024

3. EP No. 11333/CR Islamic Dawa Center and Trust, Ernakulam
This Enquiry Proceedings is initiated on the basis of a Board Order in OP No. 52/2018 dated 17.05.2022 filed by one TV Abdul Khader seeking to pass an order for taking action against the respondents for not registering the Waqf property created by way of Waqf settlement Deed No. 155/1/2007 with the Waqf Board and to pass an order directing the respondents to hand over all the documents pertaining to Waqf deed to the petitioner as the respondents failed to satisfy the conditions as stated

in the Waqf deed.

The case of the complainant is that he is the President of Islamic Daawa Centre and Trust and the Waqf deed is executed in its favor on 2000 as per deed No. 3847. Due to his job pressure he couldn't fulfill the object of creating Waqf. Hence he executed a Waqf Settlement deed 155/1/2007 on 09.01.2007 to an extent of 1.51 Are(3 Cents) in favor of the office bearers of Samastha Kerala Sunni Yuvajana Sangham in order to fulfil the objectives of the Waqf Deed. But the respondents also failed to fulfill the objectives of the Waqf Deed. Moreover they failed to prepare the schemes and bye law and register the Waqf property in the Board. The matter was disposed of by the Board directing the Junior Superintendent to take necessary action under S. 36 of the Waqf Act and take a decision as to whether the property involved is Waqf property and if the same is Waqf property, to take steps for registration within a period of one month.

Upon receiving the said Order, the Office conducted an enquiry by deputing an officer of the Board. The enquiry officer reported that the property under Waqf Deed 3847/2000 has been divested of all rightful possessions and transferred to SYS vide Waqf Settlement deed 155/1/2007, without the prior approval of the Board. As per Waqf Deed 3847/2000 2 ½ cents of property registered as Waqf. But as per Waqf Settlement deed 155/1/2007 3 cents of property was transferred to SYS.

Notices were issued to the parties directing to appear before the board. The respondents 2 to 7 had filed counter statement stating that the complainant has no right over the Waqf property and he is not holding any official post in the Islamic Daawa Centre and Trust. SYS constructed a building having 1400 sq. ft with the money collected the public. Both SYS and Islamic Daawa Centre and Trust are working without any disputes.

The Secretary of Islamic Daawa Centre and Trust impleaded as 8th respondent and filed their version. According to 8th respondent, the complainant left the organization years before and he is not holding any post in the trust. Islamic Daawa Centre and Trust and SYS office are running in the building without any disputes. Mr.TV Abdul Khader had created a waqf and transferred the property to Islamic Daawa Centre and Trust and also to SYS and both the organizations are functioning in the property and are running the same without any dispute.

It is seen that the waqif himself had created the waqf and had transferred the mutawalliship to SYS through a settlement deed bearing No.155/1/2007 and the said organizations had constructed building and is functioning in the said property and is imparting religious education and several other religious activities in the said property. The property was created as waqf and its natures is note altered by the waqif through the above mentioned settlement deed. On the other hand he had transferred the mutawalliship of the property to SYS and had permitted them to construct buildings and carry out religious activities in the property and on the basis of that they are occupying the property after constructing building. Hence, SYS is the mutawalli of the above waqf on the basis of settlement deed No.155/1/2007 executed by the waqif himself. On the basis of above finding the concerned Divisional Waqf Officer shall take necessary steps for entering the name of the mutawalli in the Waqf Register.

4. AA No. 74/2024 Ponkunnam Muhiyudeen Pally, Kottayam

Present appeal is filed by the Secretary of Ponkunnam Muhiyudheen Juma Masjid, Kottayam under section 72(7) of the Waqf Act, 1995 seeking to set aside the assessment of the order passed by the assessing authority for the assessment year 2021-2022 pass a fresh order in this regard. The appellant had remitted the 1/3rd of the disputed of amount for the year 2021-2022 as provide under the Kerala Waqf Rules.

The averment in the appeal memorandum is that the failure of submission of accounts of the waqf is not willfull, that the waqf is not having sufficient funds for remitting the contribution and prayed for pardon for the non submission of accounts before Board. Hence, they approached this appellate authority seeking to set aside the order of assessment passed by the Assessing Authority and to exempt from remitting the amount so assessed.

On verification of the office records, it is seen that Best Judgment Assessment was made as the committee administering the waqf failed to submit the accounts before the Board as contemplated under the Waqf Act and the waqf failed to remit the contribution amount due. Even though several notices directing to submit accounts were issued to the Jama-ath, it failed to submit accounts in time. In the above circumstances, the assessing authority has assessed the waqf on best

judgment basis for the disputed period.

On going through the above facts and circumstances, the Board is of the opinion that one more opportunity can be given to the appellant to prove the contentions raised in the appeal. The assessing authority is directed to re-assess the accounts of the waqf for the appeal period in accordance with the Act, Rules and Regulations, after considering the returns submitted along with the appeal memorandum. If the assessing authority is not satisfied with the accounts submitted along with this appeal, the authority is free to call for the supporting books and documents and conduct audit of accounts if found necessary. The present appeal is disposed of with the above direction.

5. AA No. 76/2024 Pachira Thaikkav, Thiruvananthapuram

Present appeal is filed by the Secretary of Pachira Thaikkavu, Thiruvananthapuram under section 72(7) of the Waqf Act, 1995 seeking to set aside the assessment of the order passed by the assessing authority for the assessment year 2011-12 to 2018-2019 and 2021-2022 pass a fresh order in this regard. The appellant had remitted the 1/3rd of the disputed of amount for the year 2011-12 to 2018-2019 and 2021-2022 as provide under the Kerala Waqf Rules.

The averment in the appeal memorandum is that the failure of submission of accounts of the waqf is not willfull, that the waqf is not having sufficient funds for remitting the contribution and main source of income of the waqf is donations from the peoples and prayed for pardon for the non submission of accounts before Board. Hence, they approached this appellate authority seeking to set aside the order of assessment passed by the Assessing Authority and to exempt from remitting the amount so assessed.

On verification of the office records, it is seen that Best Judgment Assessment was made as the committee administering the waqf failed to submit the accounts before the Board as contemplated under the Waqf Act and the waqf failed to remit the contribution amount due. Even though several notices directing to submit accounts were issued to the Jama-ath, it failed to submit accounts in time. In the above circumstances, the assessing authority has assessed the waqf on best judgment basis for the disputed period.

On going through the above facts and circumstances, the Board is of the opinion that one more opportunity can be given to the appellant to

prove the contentions raised in the appeal. The assessing authority is directed to re-assess the accounts of the waqf for the appeal period in accordance with the Act, Rules and Regulations, after considering the returns submitted along with the appeal memorandum. If the assessing authority is not satisfied with the accounts submitted along with this appeal, the authority is free to call for the supporting books and documents and conduct audit of accounts if found necessary.
The present appeal is disposed of with the above direction.

6. AA No. 30/2024 Kurukkan Thangal Pally (Assaiyid Hussain Muhammedali Memorial Arabic College), Alappuzha
- Present appeal is filed by the Secretary of Kurukkan Thangal pally (Assayyid Hussain Muhammadali Memorial Arabic College), Alappuzha under section 72(7) of the Waqf Act, 1995 seeking to set aside the assessment of the order passed by the assessing authority for the assessment year 2015-16 to 2021-2022 pass a fresh order in this regard. The appellant had remitted the 1/3rd of the disputed of amount for the year 2015-16 to 2021-2022 as provide under the Kerala Waqf Rules.
- The averment in the appeal memorandum is that the failure of submission of accounts of the waqf is not willfull, that the waqf is not having sufficient funds for remitting the contribution and prayed for pardon for the non submission of accounts before Board. Hence, they approached this appellate authority seeking to set aside the order of assessment passed by the Assessing Authority and to exempt from remitting the amount so assessed.
- On verification of the office records, it is seen that Best Judgment Assessment was made as the committee administering the waqf failed to submit the accounts before the Board as contemplated under the Waqf Act and the waqf failed to remit the contribution amount due. Even though several notices directing to submit accounts were issued to the Jama-ath, it failed to submit accounts in time. In the above circumstances, the assessing authority has assessed the waqf on best judgment basis for the disputed period.
- On going through the above facts and circumstances, the Board is of the opinion that one more opportunity can be given to the appellant to prove the contentions raised in the appeal. The assessing authority is directed to re-assess the accounts of the waqf for the appeal period in accordance with the Act, Rules and Regulations, after considering the

returns submitted along with the appeal memorandum. If the assessing authority is not satisfied with the accounts submitted along with this appeal, the authority is free to call for the supporting books and documents and conduct audit of accounts if found necessary.
The present appeal is disposed of with the above direction.

7. AA No. 36/2024 Thazhathangadi Muslim Jama-ath Pally, Kottayam

Present appeal is filed by the Secretary of Thazhathangadi Muslim Jama-ath, Kottayam under section 72(7) of the Waqf Act, 1995 seeking to set aside the assessment of the order passed by the assessing authority for the assessment year 2020-21 to 2021-2022 pass a fresh order in this regard. The appellant had remitted the 1/3rd of the disputed of amount for the year 2020-21 to 2021-2022 as provide under the Kerala Waqf Rules.

The averment in the appeal memorandum is that the failure of submission of accounts of the waqf is not willfull, that it occurred due to the out break of Covid 19 pandemic and the waqf is not having sufficient funds for remitting the contribution and prayed for pardon for the non submission of accounts before Board. Hence, they approached this appellate authority seeking to set aside the order of assessment passed by the Assessing Authority and to exempt from remitting the amount so assessed.

On verification of the office records, it is seen that Best Judgment Assessment was made as the committee administering the waqf failed to submit the accounts before the Board as contemplated under the Waqf Act and the waqf failed to remit the contribution amount due. Even though several notices directing to submit accounts were issued to the Jama-ath, it failed to submit accounts in time. In the above circumstances, the assessing authority has assessed the waqf on best judgment basis for the disputed period.

On going through the above facts and circumstances, the Board is of the opinion that one more opportunity can be given to the appellant to prove the contentions raised in the appeal. The assessing authority is directed to re-assess the accounts of the waqf for the appeal period in accordance with the Act, Rules and Regulations, after considering the returns submitted along with the appeal memorandum. If the assessing authority is not satisfied with the accounts submitted along with this appeal, the authority is free to call for the supporting books and documents and conduct audit of accounts if found necessary.

	The present appeal is disposed of with the above direction.
8.	<p>AA No. 34/2024 Kanjikkuzhi Muslim Jama-ath, Idukky</p> <p>Present appeal is filed by the Secretary of Kanjikkuzhi Muslim Jama-ath, Idukky under section 72(7) of the Waqf Act, 1995 seeking to set aside the assessment of the order passed by the assessing authority for the assessment year 2011-12 to 2012-2013 pass a fresh order in this regard. The appellant had remitted the 1/3rd of the disputed of amount for the year 2011-12 to 2012-2013 as provide under the Kerala Waqf Rules.</p> <p>The averment in the appeal memorandum is that the failure of submission of accounts of the waqf is not willfull, that the waqf is not having sufficient funds for remitting the contribution and the main source of income is the donations from the mahal members and prayed for pardon for the non submission of accounts before Board. Hence, they approached this appellate authority seeking to set aside the order of assessment passed by the Assessing Authority and to exempt from remitting the amount so assessed.</p> <p>On verification of the office records, it is seen that Best Judgment Assessment was made as the committee administering the waqf failed to submit the accounts before the Board as contemplated under the Waqf Act and the waqf failed to remit the contribution amount due. Even though several notices directing to submit accounts were issued to the Jama-ath, it failed to submit accounts in time. In the above circumstances, the assessing authority has assessed the waqf on best judgment basis for the disputed period.</p> <p>On going through the above facts and circumstances, the Board is of the opinion that one more opportunity can be given to the appellant to prove the contentions raised in the appeal. The assessing authority is directed to re-assess the accounts of the waqf for the appeal period in accordance with the Act, Rules and Regulations, after considering the returns submitted along with the appeal memorandum. If the assessing authority is not satisfied with the accounts submitted along with this appeal, the authority is free to call for the supporting books and documents and conduct audit of accounts if found necessary.</p> <p>The present appeal is disposed of with the above direction.</p>
9.	<p>AA No. 32/2024 Thableegul Islam Jama-ath, Ernakulam</p> <p>Present appeal is filed by the Secretary of Ponkunnam Muhiyudeen</p>

Juma Masjid, Kottayam under section 72(7) of the Waqf Act, 1995 seeking to set aside the assessment of the order passed by the assessing authority for the assessment year 2021-2022 pass a fresh order in this regard. The appellant had remitted the 1/3rd of the disputed of amount for the year 2021-2022 as provide under the Kerala Waqf Rules.

The averment in the appeal memorandum is that the failure of submission of accounts of the waqf is not willfull, that the waqf is not having sufficient funds for remitting the contribution and prayed for pardon for the non submission of accounts before Board. Hence, they approached this appellate authority seeking to set aside the order of assessment passed by the Assessing Authority and to exempt from remitting the amount so assessed.

On verification of the office records, it is seen that Best Judgment Assessment was made as the committee administering the waqf failed to submit the accounts before the Board as contemplated under the Waqf Act and the waqf failed to remit the contribution amount due. Even though several notices directing to submit accounts were issued to the Jama-ath, it failed to submit accounts in time. In the above circumstances, the assessing authority has assessed the waqf on best judgment basis for the disputed period.

On going through the above facts and circumstances, the Board is of the opinion that one more opportunity can be given to the appellant to prove the contentions raised in the appeal. The assessing authority is directed to re-assess the accounts of the waqf for the appeal period in accordance with the Act, Rules and Regulations, after considering the returns submitted along with the appeal memorandum. If the assessing authority is not satisfied with the accounts submitted along with this appeal, the authority is free to call for the supporting books and documents and conduct audit of accounts if found necessary. The present appeal is disposed of with the above direction.

10.	OP No. 158/2022 Ilfathul Islam Sangham (Ponnurunni Jama-ath), Ernakulam Order not ready. Posted to 07.08.2024
11.	OP No. 84/2023 Hidayathul Islam Muslim Jama-ath, Kottayam The OP was filed by the petitioners under sections 32, 70 &71 of the Waqf Act, 1995 seeking to pass orders directing the respondents to issue membership to the petitioners in the Hidayathul Islam Muslim Jama-ath, Edakunnam by considering the applications submitted by the petitioners and for other ancillary

reliefs.

The case of the petitioners who are a member and beneficiary of the 1st respondent Jama-ath is that they are residing in the jurisdiction of the Jama-ath for more than 15 years. The petitioners and the respondents are following the Hanafi Madhab. They usually go to the mosque and participated in the religious practices and ceremonies of the Jama-ath. They are paying contributions as well. Their children also studied under 1st respondent's Madrassa.

The petitioners had send applications to the respondents to grant membership by registered post on 22.03.2023. Though the respondents received the applications but no decision was taken so far.

Notice was issued to respondents 1 to 3 on 8.05.2023 and respondents 4 & 5 on 06.12 2023. There is no appearance for R 1 to 5 till date. Even after the lapse of more than 10 months the respondents had not represented in this matter. Hence, it is to be presumed that respondents are having nothing to submit in this regard. From the averments in the petition, proof affidavit and from the documents produced by the petitioners it is seen that the petitioners are persons residing within the jama-ath for the past more than 15 years even though they had requested for membership in the jama-ath, the jama-ath committee had not considered the same and had not even reply to the applications so submitted. The petitioners also submitted that they are ready to pay membership fee to the jama-ath as the petitioners are residing within the limits of the jama-ath and they are ready to membership fee, the jama-ath committee is not having any right to deny them membership. Hence, the respondent jama-ath committee is directed to provide membership to the petitioners on the basis of their application for membership after receiving requisite membership fee. The respondents failed to carry out the above direction, Divisional Waqf Officer, Kottayam shall initiate prosecution steps against the committee. Matter is disposed of accordingly.

12. OP No. 04/2024 Ilippakkulam Kattanam Muslim Jama-ath, Alappuzha Order pronounced in IA No. 123/2024 wide separate sheet. Returning officer is directed to complete the election process within two months. For counter in IA No. 144/2024. Posted to 07.08.2024

The petitioners had filed the main O.P. seeking to pass order to conduct an enquiry into the management, construction and financial transactions of the Ilippakkulam Kattanam Muslim Jama-ath for the last 10 years, to prepare the voting list of eligible members of the jamath and to appoint a Returning Officer for electing the Executive Committee members through secret ballot and select office bearers of the 1st respondent in a democratic manner and for other related reliefs.

The respondents in the OP had filed an IA 97/2024 in OP 4/2024 with a prayer to grant permission to conduct election on Dulhajj 10 and direct to appoint a returning officer as per section 5(e) of the bye law of the jama-ath by Board.

The petitioners in the OP who are respondents herein had filed counter affidavit in IA 97/2024 on 08.05.2024 contenting that if the Board permit to conduct the election as per S. 5(e) of the bye law of the jama-ath it will result in a authoritarian situation. They requested to conduct election through an impartial person appointed by the Board through secret ballot system.

Both parties are not having any case that the term of the committee is not over and the present petition is filed by the office bearers of the jama-ath seeking permission to conduct election. Hence it is convinced that election is to be conducted in the jama-ath. As there is dispute with regard to the conduct of election it is proper to appoint an impartial person as the Returning Officer by the Board and conduct election through secret ballot system. The method shown in the byelaw is to conduct election from the General Body without following secret ballot system. That could have been done if there is no dispute with regard to the election and as there is dispute, Board finds that it is proper to conduct election through secret ballot system by appointing a returning officer by the Board. The prayer of the committee to accord permission for conduct of election is allowed and Adv.Nazir Hussain, Thiruvananthapuram is appointed as returning officer to conduct election impartially through secret ballot system after following all procedural formalities.. The returning officer is entitled for an initial batta of Rs. 15,000/- which shall be paid by the jama-ath committee within a period of two weeks from the date of receipt of this order. The expenses for the conduct of election shall be met from the funds of jama-ath. For report of the returning officer posted to 07-08-2024.

13. IA No. 32/2024 in OP No. 228/2023 Majidu Swahaba Mahallu Committee, Palakkad

The petitioner herein Mr. T Basheer had approached the Board by filing the above OP for appointing an auditor to conduct audit from 1st September 2018 to 31 October 2023 report, to recover the loss caused to the Waqf from the respondents and shall disqualify the responsible persons from election, to appoint a returning officer to conduct election and for other related reliefs.

The Board passed an interim Order in IA 237/2023 dated 08.11.2023 directing the DO, Thrissur to audit the accounts for the period of 2018-2023. Aggrieved by the above interim order the respondents approached the Board by filing IA 32/2024 to waive the audit fee for the Mahallu Committee and to collect the same from the petitioner in the main OP.

The original petitioner filed objection to IA 32/2024 on 24.04.2024 stating that the claim of the petitioner in the main OP is genuine and the respondents' bonfidently believe that there has every chance to allow the OP. It is the statutory right of the petitioner to get audited the accounts by a statutory authority if there is any default on the part of Mahallu Committee.

The affidavit in support of the petition had not shown proper reason for non payment of audit fee and is not sufficient to support the claim in the petiiton. From the reply issued by the Committee to the Divisional Officer it is seen that the committee is not in the habit of keeping accounts in a proper manner which is evident from the request to provided seeking 2 months time for producing accounts. From that it can be presumed that the accounts are to be cooked up for auditing. There is no usage, precedent or custom to recover the amount of auditing from the petitioner and so far no such payment is made in the board by any of the petitioners. The direction is already issued to the jama-th committee to pay audit fee for auditing the accounts of the jama-ath and the petitioners who had pointed out defects in the account keeping system of the j jama-ath cannot be burdened with the audit fee.

Hence jama-ath committee is hereby directed to pay the audit fee within a period of 15 days from the receipt of this order failing which the Divisional Officer shall file prosecution case before the concerned court against the office bearers. If the audit fee is paid within time the audit shall be done within 15 days from the date of payment. I.A is disposed of accordingly. Posted to 07.08.2024.

14. IA No. 80/2023 in OP No. 50/2023 Ponkunnam Muhiyudeen pally Muslim Jama-ath, Kottayam

The above OP is related to Ponkunnam Muhiyudheen Pally Muslim Jama-ath, Kottayam Waqf registered with Board under Registration No. 3431/RA.

The OP is filed to seeking an order to allow the governing body of the 1st respondent jama-ath elected on 27.03.2022 to be continued and set aside the decision of the emergency general body dated 09.12.2022 for conducting another election.

The petitioners in the present impleading had filed this petition claiming that are the erstwhile office bearers of the Committee constituted on 27/03/2022 and who had resigned from the office. The contention of the petitioners in the IA is that the OP No. 50/2023 was filed in collusion with respondents in the original petition. The petitioners in IA 80/23 contented that they resigned from the committee due to the unnecessary interference and threat caused by the respondents 6 to 8 and their henchmen. The ad hoc committee is not a continuation of the duly elected committee on 27/03/2022. The ad hoc committee was elected on 9/12/22 with a definite condition to conduct proper election

within a month and allow the ad hoc committee till the new election. The said decision was documented in the minutes but now the ad hoc committee suppressed it.

The respondents submitted counter stating that the impleading petitioners are not having any right to get themselves impleaded in the case and are persons who had resigned from the committee due to financial allegations in the audit report. The respondent contended that the vacancy in the committee due to the resignation of the members were filled as per the clauses in the bye law.

There is no dispute that the petitioners are not having any right with regard to the jama-ath as it is admitted that they were committee members of the jama-ath committee. Being members of the jama-ath they are having every right to get themselves impleaded in this matter which is regarding the administration of the jama-ath and it is not proper to deny them their right to get themselves impleaded in a matter relating to a waqf in which they are members. On the basis of above finding the I.A. for impleadment is allowed and the petitioners are impleaded as additional respondents 7, 8 and 9 and the office is directed to carry out amendment on the basis of this order. Posted to 07.08.2024

15. OP No. 96/2022 Vadanappally North Mahal Muslim Jama-ath, Thrissur

The petitioners had filed the above OP seeking to conduct an overall enquiry regarding the administration management of the 1st respondent sangham and take prosecution against the respondents. The prosecution proceedings have been already ordered.

The petitioners had filed IA No. 107/2024 on 24.04.2024 to appoint interim Mutavalli as per the judgment dated 21/03/2024 of Hon'ble Tribunal in OS 78/2022. The Tribunal directed the Board to appoint an interim Mutawalli to administer Vadanappally North mahallu Jama-ath Palli and he has to initiate steps for conducting a proper election by way of secret ballot system in compliance of the bye law of the Sangham. The notice was given to respondents but they failed to appear before the Board in response to the notice.

As per the judgment passed by the Hon'ble Waqf Tribunal in WOS 78/2022 the Board was directed to appoint an interim mutawalli to administer the Vadanappilly North Jama-ath Palli after one month of the pronouncement of the judgment or the expiry of the period of the committee now administering the waqf, whichever is earlier. It was further directed by the Tribunal that the interim mutawalli so appointed has to initiate steps for conducting a proper election by way of secret ballot system in compliance of the bye-law of the 1st defendant in the said case. Now more than one month had elapsed and the Board is duty bound to implement the order passed by the Hon'ble Waqf Tribunal. Hence, Adv.Mehboob Ali, Chavakkad is appointed as the interim mutawalli cum returning officer of Vadanappally North Mahallu Muslim Jama-ath for carrying out its administration

	in tune with the provisions of Waqf Act, 1995 and connected Rules. The interim mutawalli shall take charge immediately and administer the waqf as per the bye-law and the Waqf Act and Rules and submit monthly report before the Board without failure. The term of appointment shall be for a period of six months and within that time the interim mutawalli shall complete the election process as directed by the Tribunal after following all procedural formalities. He is entitled for a monthly remuneration of 15,000/- along with T.A which shall be drawn from the jama-th funds. The expenses for conducting election shall also be met from the jama-ath funds.
16.	OP No. 166/2015 Randarkkara Himayathul Muslimeen Yatheem Khana, Ernakulam For filing affidavit. Posted to 07.08.2024
17.	EP No (B5) 867/2016 Aluva Muslim Jama-ath, Ernakulam R3 appeared by Adv. Anwar. R10 respondent died. Take steps. For counter of 74/2024. Posted to 07.08.2024
18.	OP No. 106/2017 Amaravathy Muslim Jama-ath, Ernakulam Call on 07.08.2024
19.	OP No. 108/2017 Chuloor Muslim Jama-ath, Thrissur Respondent filed argument notes. For orders. Posted to 07.08.2024
20.	OP No. 186/2018 Abdul Sathar Haji Moosa Sait Dharmastapanam, Ernakulam Muthawalli submitted report. IA No. 146/2024 for impleading mutawalli as additional respondent. Heard. Allowed. Carry out amendment and notice. Posted to 07.08.2024
21.	OP No. 190/2018 Chiramanangad Muhiyudheen Juma Masjid, Thrissur Notice served to the respondent counsel. Not represented. Name called. For orders. Posted to 07.08.2024
22.	OP No. 48/2018 Pavaratty Town Juma Masjid, Thrissur IA No. 104/2024 closed. Issue notice to Adv. Arun Kumar (Respondent Counsel). Call on 07.08.2024
23.	OP No. 126/2018 Pudoor Puthen Pally, Palakkad Both parties submitted suggestion about conducting election. For orders. Posted to 03.07.2024
24.	EP No. (A8) 5771/2019 Edakkazhiyoor Juma-ath Pally, Thrissur For mediation. Posted to 07.08.2024
25.	OP No. 136/2019 Ettumanoor Athirampuzha Muslim Jama-ath, Kottayam Commissioner reported that he is not willing to record evidence. So Adv. Chelson's appointment is cancelled. Adv. Sheeba is appointed as commissioner. Batta Rs. 2000/- per day per witness. For commission

	report. Posted to 07.08.2024
26.	OP No. 16/2020 Kuriyathole Muslim Jama-ath, Ernakulam For proof affidavit. Posted to 07.08.2024
27.	OP No. 130/2021 Nusrathul Islam Madrassa Committee, Ernakulam For steps. Posted to 07.08.2024
28.	OP No. 116/2021 Kaitharam Muslim Jama-ath, Ernakulam Counter filed in IA No. 88/2024. For counter in IA No. 147/2024 and for orders in IA No. 56/2021 and IA No. 1882024. Posted to 07.08.2024
29.	EP No. (A8) 4283/2021/TSR Karakkad Jama-ath Pally, Palakkad No statement filed by 2 nd party. Name called. Set exparte. For expate affidavit. Posted to 07.08.2024
30.	OP No. 06/2021 Mayyathankara Juma-ath Pally, Palakkad Argument notes filed by the petitioner and respondent. IA No. 95/2024 heard. Allowed. Trial along with EP No. 4645/CR. For orders. Posted to 07.08.2024
31.	OP No. 06/2022 Pengattussery Muslim Jama-ath, Ernakulam For audit report. Posted to 07.08.2024
32.	EP No. 7539/2022 Vaduthala Kottoor Kattupuram Jama-ath, Alappuzha Counsel for parties No. 53 and 54 filed memo registered service of notice in IA. For counter of parties who had received notice. Posted to 07.08.2024
33.	OP No. 188/2022 Kakkattiri Juma Masjid, Palakkad IA No. 171/2024 for production of documents. Heard. Allowed. Respondent committee is directed to produce documents mentioned in the IA No. 171/2024. Posted to 07.08.2024
34.	OP No. 104/2022 Pathiyasserry Muhiyudeen Juma Masjid, Thrissur IA No. 106/2024. No counter. Heard. Allowed. Office carry out amendment to that effect. Posted to 07.08.2024
35.	OP No. 86/2022 Pezhakkappilly Muslim Jama-ath, Ernakulam For report of Returning officer. Posted to 07.08.2024
36.	OP No. 138/2022 Maleriyam Jama-ath Pally, Palakkad 5 th petitioner Moosa submitted an application before the Board stating that he iws not proceeding with the matter. Also counsel appealing for this respondent reprted no instruction. For steps. Posted to 07.08.2024.
37.	OP No. 174/2022 Muhiyudeen Juma Masjid, Kottayam Petitioner filed proof affidavit. Adv Thasneem is appointed as advocate commissioner. Pay batta of Rs. 2000/- per day per witness. For commission report. Posted to 07.08.2024
38.	OP No. 54/2022 Mannar Muslim Jama-ath, Alappuzha

	Petitioner filed argument notes. For argument notes of the respondent. Posted to 07.08.2024
39.	OP No. 116/2022 Konthalappally Juma Masjid, Idukky IA No. 206/2023 already allowed. As per the direction the petitioner paid subscription fee directly today to the respondents. Respondent committee is directed to issue receipts for the same. For steps. Posted to 07.08.2024
40.	OP No. 32/2023 Thottumugham Padinjare Pally, Ernakulam For proof affidavit. Posted to 07.08.2024
41.	OP No. 226/2023 Nettoor Mahallu Muslim Jama-ath, Ernakulam No representation for the Petitioner. No counter filed. OP closed.
42.	EP No. 620/2023/TSR School of Quran Waqf, Thrissur No representation for the 2 nd respondent. For orders. Posted to 07.08.2024
43.	OP No. 212/2023 Anwar Masjid, Thrissur For counter in IA No. 187/2023 and IA No. 186/2023 and in main OP. Posted to 07.08.2024
44.	OP No. 234/2023 Manjakkulam Pally Makham Madrassa Committee, Palakkad The Divisional Waqf Officer Thrissur is directed to appoint an auditor and personal appearance of the Divisional Waqf Officer. For report of the Returning officer. Posted to 07.08.2024
45.	OP No. 192/2023 Ilfathul Islam Sangham (Ponnurnni Jama-ath), Ernakulam For counter. Posted to 07.08.2024
46.	OP No. 208/2023 Kongad Muhiyudheen Sunni Juma Masjid and Assassul Islam Madrassa, Palakkad For expate proof affidavit. Posted to 03.07.2024
47.	OP No. 214/2023 Kottol Mahal Central Juma Masjid Committee, Thrissur For mediation. Posted to 07.08.2024
48.	OP No. 60/2023 Pallikkara Muslim Jama-ath, Ernakulam IA No. 136/2024 and IA No. 137/2024 copy served. Counter filed. IA No. 137/2024 heard in detail. Petitioner counsel endorsed to the effect that the prayer in IA No. 137/2024 can be limited to cancelation of notice issued by Divisional officer. Hence notice dated on the basis of audit hereby recalled and cancelled. IA No. 136/2024 for hearing. Posted to 07.08.2024
49.	OP No. 168/2023 Poovathoor Juma-ath Muhiyudeen Masjid, Ernakulam Intiamation to the auditor to audit. The respondent committee is directed to pay audit fee within one week. Posted to 07.08.2024

50.	OP No. 150/2023 Puthenchira Padinjare Muslim Jama-ath, Thrissur For steps. Posted to 07.08.2024
51.	IA No. 132/2023 in OP No. 56/2021 Chettiayangadi Hanafi Sunnath Jama-ath, Thrissur Take steps. For return of notice. Posted to 07.08.2024
52.	OP No. 08/2023 Puthoor pally Muslim Jama-ath, Kottayam Petitioner produced 3 documents. Copy given. Document recorded. For filing proof affidavit of the Petitioner. Posted to 07.08.2024
53.	OP No. 222/2023 Ettumanoor Athirampuzha Muslim Jama-ath, Kottayam No representation by the respondent. Name called. Set exparte. For exparte affidavit. Posted to 07.08.2024
54.	OP No. 210/2023 Kottol Mahal Central Juma Masjid Committee, Thrissur Respondent conceded to conduct election on an early date. Returning officer is directed to complete the election process within 2 months. Posted to 07.08.2024
55.	OP No. 238/2023 Markkassu Dawathi sunneeya, Thrissur Batta paid. Issue notice. Posted to 07.08.2024
56.	OP No. 242/2023 Kanjippuzha Muslim Jama-ath, Alappuzha Divisional waqf Officer submitted report. IA No. 145/2024. Notice given. For counter. Posted to 07.08.2024
57.	OP No. 252/2023 Meppara Jama-ath Mosque, Palakkad For counter and filing vakkalath. Posted to 07.08.2024
58.	OP No. 20/2023 Broadway Hanafy, Ernakulam For counter. Posted to 03.07.2024
59.	OP No. 200/2023 Broadway Hanafy Jama-ath Masjid, Ernakulam Call on 07.08.2024
60.	OP No. 34/2023 Amaravathy Muslim Jama-ath, Ernakulam Call on 07.08.2024
61.	EP No. 4270/2023 Munavvirul Islam Mahallu Committee, Palakkad For appearance of parties and mediation. Posted to 07.08.2024
62.	OP No. 244/2023 Puthoor Pally Muslim Jama-ath, Kottayam IA No. 153/2024 for prosecution. Counter in OP filed. IA No 132/2024 not pressed by the petitioner. For counter in IA No. 153/2024. Posted to 07.08.2024
63.	OP No. 256/2023 Ponnad Mahallu Muslim Jama-ath Perumthuruth Hidayathul Islam Sangham, Alappuzha IA No. 160/2024 & IA No. 161/2024 interim order passed. For counter.

	<p>Posted to 07.08.2024 IA No. 160/2024 Heard. The petitioner had made out a prima facie case. The respondent committee is hereby restrained from constructing any building without prior permission of the Board.</p>
64.	<p>EP No. (A8) 723/2023 Punnappadam Kakkod Puthen Pally Jama-ath Committee, Palakkad Statement filed by respondent. Adv. E. S. M. Kabeer offered vakkalath. For statement of party No. 1. Posted to 07.08.2024</p>
65.	<p>OP No. 54/2024 Puthoor Pally Muslim Jama-ath, Kottayam For counter in IA No. 100/2024. Petitioner produced documents. Recorded. Posted to 07.08.2024</p>
66.	<p>OP No. 58/2024 Mannar Muslim Jama-ath, Alappuzha For filing vakkalath and counter. Posted to 07.08.2024</p>
67.	<p>OP No. 62/2024 Alappara Muslim Jama-ath, Kottayam Vakkalath and counter in IA No. 71/2024 and IA No. 70/2024 filed. For counter. Posted to 07.08.2024</p>
68.	<p>OP No. 20/2024 Punnappadam Kakkod Puthen Pally Jama-ath, Palakkad Call on 07.08.2024</p>
69.	<p>OP No. 78/2024 Thayikkattukara Muslim Jama-ath, Ernakulam Adv. Majeed filed vakkalath for R1 to R5. For counter in IA No. 148/2024 and counter in OP. Posted to 03.07.2024</p>
70.	<p>OP No. 80/2024 Pazhayalakkidi Hidayathul Islam Mahallu Jama-ath, Palakkad Adv. Abdul Jabbar offered vakkalath. For counter. Posted to 07.08.2024</p>
71.	<p>OP No. 60/2024 Hyderiya Masjid Mahallu Committee, Palakkad Counter filed. IA No. 159/2024 for counter. Posted to 07.08.2024</p>
72.	<p>OP No. 64/2024 Hyderiya Masjid Mahallu Committee, Palakkad Counter filed in OP. IA No. 158/2024. For counter. Posted to 07.08.2024</p>
73.	<p>OP No. 94/2024 Masjidul Ijaba Muslim Jama-ath, Alappuzha Adv. E. S. M. Kabeer filed vakkalath for all the respondents. For counter. Posted to 03.07.2024</p>
74.	<p>OP No. 96/2024 Kaithakkad Muslim Jama-ath, Ernakulam Adv. E. S. M. Kabeer filed vakkalath and counter in IA . For counter in OP. Posted to 07.08.2024</p>
75.	<p>OP No. 98/2024 Kaitharam Muslim Jama-ath, Ernakulam Adv. Jabbar appeared for all respondent. IA No. 142/2024 notice given. For counter and counter in OP. Posted to 07.08.2024</p>
76.	<p>OP No. 92/2024 Kalvathy Muslim Jama-ath, Ernakulam</p>

	Adv. Rafeek appeared for R1 and R2 and filed counter in OP along with documents. R3 filed vakkalath and counter along with documents. IA No. 131/2024. Heard. NO counter. Allowed. IA No. 130/2024 today hearing. Closed. IA No. 116/2024 counter. IA No. 117/2024 for counter. Posted to 03.07.2024
77.	EP No. (A9) 4645/CR Putharippadam Mayyathankara Jama-ath, Palakkad Petitioner filed argument notes. R11 and R12 filed notes. For hearing. Posted to 03.07.2024
78.	EP No. (A3) 3121/CR Kodikuthumala Muslim Jama-ath, Ernakulam For argument notes. Posted to 07.08.2024
79.	EP No. 6868/2023 Kollamkode Juma-ath Pally, Palakkad Adv. K. M. firoz filed vakkalath for 9 th party. Party No. 1,2,3,4, 5, 6, 7 appeared in person. For party No. 7 offered vakkalath. Notice to party No.8 served. Name called. Set expate. For counter of Party No. 9 filed. Copies served. For statement of others. Posted to 07.08.2024
80.	AA No. 82/2024 Chembalasserry Muhiyudeen pally, Idukky Heard. For orders. Posted to 07.08.2024
81.	AA No. 84/2024 Sharaful Islam Jama-ath, Alappuzha Heard. For orders. Posted to 07.08.2024
82.	AA No. 86/2024 Noor Juma Masjid and Nifthaful Uloom Madrassa (valiya Jaram Masjid), Idukky Heard. For orders. Posted to 07.08.2024
83.	AA No. 88/2024 Usmaniya Maulood Waqf, Alappuzha Heard. For orders. Posted to 07.08.2024
84.	OP No. 236/2023 Vazhoor Muslim Jama-ath, Kottayam Counter filed. For orders. Posted to 07.08.2024
85.	OP No. 94/2023 Muhiyudeen Masjid Jama-ath Committee, Ernakulam For counter of additional respondent. Posted to 07.08.2024
86.	OP No. 98/2022 Paimattom Muslim Jama-ath, Ernakulam For steps. Posted to 07.08.2024
87.	OP No. 295/2023 Chombala Kunjippally Paripalana Committee, Kozhikode IA No. 228/2024 heard. The Divisional Waqf officer, Kozhikode is directed to appoint an observer for attending the meeting to be held on 08. 06.2024 at 09:00 am and respondent will the accounts before the general body. For report of the observer. Posted to 25.06.2024
88.	IA No. 155/2024 in OP No. 66/2024 Puthoor Pally Muslim Jama-ath,

	<p>Kottayam Heard. Allowed. IA No. 156/2024 Allowed. IA No. 156/2024 Heard. The Petitioner had made out a prima facie case. Respondents are restrained from taking any further action against the petitioner on the basis of the notice dated 03.06.2024. For counter. Posted to 03.07.2024</p>
89.	<p>OP No. 93/2024 Veliyankode Mahallu Jama-ath Committee, Malappuram For Hearing. Posted to 29.06.2024</p>
90.	<p>OP No. 103/2024 Veliyankode Mahallu Jama-ath Committee, Malappuram Counter filed. For hearing. Posted to 29.06.2024</p>