

A DIARY
Dated: 14.02.2024

1. EP No. 3160/CR Kaitharam Muslim Jama-ath, Ernakulam
Order pronounced wide separate sheet

The above enquiry proceedings was initiated on the basis of an application submitted by MR.A.A.Abdul Salam and others for setting aside the letter dated 24-05-2017 issued to the Secretary of Kaitharam Muslim Jama-ath from this office and to restrain the jama-ath committee and general body from taking action on the basis of the letter dated 24-05-2017.

A letter dated 07-04-2017 was submitted by the secretary of Kaitharam Muslim Jama-ath seeking some information with respect to the administration of the waqf as per the records of the Board. The office of the Board had perused the waqf register and registration application and other documents available in the office of the Board and had issued a letter dated 24-05-2017 providing information that is available in the registration application and waqf register which was sought for by the Jama-ath Committee. Against the same the above complaint was filed seeking to set aside the information provided. According to the persons who had submitted the complaint the waqf deed was created in favour of the Palli Yogam consisting of 105 members who are members of the yogam, there is no stipulation in the waqf deed that the members of the waqif's family shall be mutawalli/manager/president of the waqf property. According to the applicants the impugned letter was issued without verification of the waqf deed and documents hence the complainants had approached the Board. According to the petitioners the administration of the waqf is done by committee elected by the general body, all expenses for running the waqf is met from the members of the mahal and from the rental income and administration of waqf is done as per the provisions of the bye-law adopted during 1997 and also as per the decision of the general body. The complainants further stated that no person from the family of waqif is entrusted with the mutawalliship and as per the minutes book it can be seen that the committee is administering the waqf and there is no traditional or customary mutawalli. According to the complainant, if at all it was written as permanent president in one or two minutes, that will not confer anybody a permanent post of presidential. It was further submitted by the complainant that presidentship was held by different persons from

different families, which is revealed from the minutes book. In the survey commission report of the year 1980 it is clearly mentioned that the administration is done by the elected committee and the same is having legal authenticity. The complainant also stated that prior to the registration of the waqf deed public were praying in the said property under the management of yogam and it is waqf by user and the waqf deed was created just to create an authentic title to the property. The petitioner submitted that the waqf is a public waqf and administration is carried out by the committee elected from the General Body and no right is vested with any person as mutawalli. The petitioners also submitted that as directed by the Board the minutes books were produced and from that it can be seen that administration is done by the committee and hence the impugned letter is wrong and is liable to be set aside. The petitioner also submitted that as per the minutes book of the waqf the committee including the office bearers are elected by the General Body and if at all it was written as "Permanent President" in one or two minutes, that will not confer anybody a permanent post and the President and Secretary of the committee had admitted in their additional statements that there is a byelaw for the administration of the waqf and even the auditor had reported that there is a committee in administration and there is no post of mutawalli in the waqf.

The respondents jama-ath committee and others had submitted that waqf in question was created by Veeravunni Muhammed Haji vide a waqf deed bearing No.1734/1105 (ME) and in the waqf deed the waqif had made certain recitals with regard to the administration and management of the waqf property by reserving his right during his lifetime and right of his lineal descendants after his death. Subsequently, a committee was formed by the members with the permission of the Muthawally to assist the mutawalli in the administration of the wakf and the mutawalli was made as the permanent president of the committee. It is further contented that most of the complainants were the members of the committee under the permanent president ship of the muthawally who held the office at times. Since 2009 the complainants herein are disputing the waqf deed, mutawalli and permanent presidentialship of Muthawally and used to make problems in the general body raising the above contentions but the general body did not approved their illegal acts. When they obstructed the general body repeatedly the permanent president/mutawalli himself requested the general body members to seek clarification from the Waqf Board. Though no request was made by the

members including complainants, one of the general body member requested a letter to the committee to seeking clarification in the matter. Accordingly committee deliberated and framed questions to be asked from the board. In the deliberation the committee members among the complainants also participated. The information received from Board was discussed in the committee and it was unanimously approved by the committee. In the said meeting the complainants/committee members also participated and had not raised any objection and there after this application is filed behind the back of the committee decision.

Regarding the survey commission report relied on by the complainants the Committee submitted that the survey commission report was not final and not approved by the Board as stated by the Board before the Wakf Tribunal, Kozhikode, in WOS No.543/2019(old 47/2018) filed by two others members. In the said case the Board had filed a written statement admitting the waqf deed and also the mutawally on the basis of the entries in the register and admitting that the administration of the waqf is vested with the mutawally. In the proceedings the additional 3rd and 4th respondents, who are the committee member and jama-ath member who had filed application under RTI Act seeking information regarding this subject matter also got impleaded. They admitted in their counter that the applications were filed at the instance of 1st complaint. The respondent committee submitted that the there is no pleadings in the application or any evidence to substantiate the claim of the petitioners that the impugned letter is issued without perusing the registers and the petitioners had not marked the letter they challenged as an Exhibit in their proof affidavit and in evidence. The respondents submitted that it is the settled law that in order to prove a document in evidence mere production of photocopy of document is not sufficient but the original of the said document is to be produced otherwise the said document cannot have evidentiary value. The respondent also contended that the 1st applicant herein after getting impleaded as additional 5th respondent in WOS No.543/2019 filed an application under Section 94 of the Waqf Act and by filing such an application he admits that there is mutawalli to the waqf as such a petition could be filed only of there is mutawalli and in the said application the 1st applicant herein had pleaded that “ As pleaded by the plaintiff the mutawalli has failed to conduct election to the Jama-ath Committee” and in the light of such an admission the reply letter need not be set aside.

In order to prove their case evidence was adduced by both sides. PW1 was examined from the side of complainants and marked Ext P1 to P5. Since the said documents were photocopies the opposite party objected the marking. From the side of committee DW1 to DW2 were examined and marked Ext B1 to B10 documents. Additional R3 was examined as DW3.

Both the parties had submitted detailed argument notes. Board discussed the matter in detail. The letter which is under question is only an information provided from the office of the Board on the basis of the request of the committee and the same was issued after perusing the records available with the Board. The questions were mainly pertaining to the application for registration and registration details available with the Board. The application for registration, register and other connected documents which were verified while issuing the letter from the office is perused by the Board and found that the letter under question is only an information provided from the office on the basis of the records available in the office and not an order issued from the Board. The applicants failed to produce any document to prove that the information provided from the board is incorrect and inconsistent against the entries in the register and registration application. Even the written statement submitted by the Board before the Court supports the reply issued from the office. Hence, the Board cannot conclude that the reply issued by the junior Superintendent is wrong or is inconsistent with the records of the Board. The respondents arguments regarding the minutes book of the waqf does not warrants consideration as the only thing that is to be decided by the Board is whether the reply issued by the Junior Superintendent is against the documents available before the Board at the time of issuance of the reply. Exhibit B10 written statement submitted by the Chief Executive Officer of the Board before the Honourable Waqf Tribunal clearly reveals the reply issued by the Junior Superintendent is correct as per the records of the Board.

The relief sought in the complaint is only to set aside the information provided from the Board pursuant to the request of the committee. At present there is no decision taken by the Board or any authority with regard to the administration of the waqf against the entries in the Waqf Register entered on the basis of the documents submitted at the time of registration of the waqf. In the absence of any evidence to prove that the entries in the registration application and register of auqaf

kept with the Board is incorrect by virtue of any order, the Board cannot take a decision that the reply issued from the office on the basis of the records available with the office is not correct and hence the same cannot be set aside. E.P. is closed accordingly.

2. OP No. 62/2013 Abdul Latheef Haji Ismail Sati Trust, Ernakkulam

The above petition is filed by Abdul Latheef Sait and 4 others under Section 32,47,69,70 and 71 seeking to conduct an enquiry in the administration of the waqf, to conduct audit of the accounts of the waqf from 2000 onwards, to frame scheme for the waqf, to elect a committee for the management of the waqf on the basis of the scheme so framed and also to suspend the 1st respondent from the post of Mutawalli and to appoint an interim mutawalli till the disposal of this petition.

According to the petitioners Abdul Latheef Haji Ismail Dharmastapanam is a waqf registered with the Board with Reg.No.2969/RA. The petitioners submitted that the waqf was created by Abdul Latheef Hajji Ismail Sait, the grandfather of the petitioners vide will No.2/1927 dated 13-07-1927 of SRO, Vadanappilly. According to the petitioners the waqf is having about 60 acres of land in different villages in Chavakkad Taluk of Thrissur District and most of the properties are coconut gardens. The petitioners submitted that as per the said will the mutawalliship of the waqf after the death of the waqif was entrusted with his eldest son Muhammed Kasim Sait and there was no stipulation in the will by which the waqf is created regarding the future management of the waqf properties after the demise of Muhammed Kasim Sait. The waqif died in the year 1932 there after the waqf was administered by Muhammed Kasim Sait who took over the administration as stipulated by the waqif. The said Muhammed Kasim Sait died in the year 1955. Eventhough the waqif was having six sons and seven daughters in three wives none of them were entrusted to manage the waqf by Muhammed Kasim Sait who had created another will dated 04-01-1954 with regard to the administration of the waqf and as per the stipulation in the will of Muhammed Kasim Sait his elder son Ismail Sait became the person who manages the waqf. At the time of entrustment of management with the eldest son of Kasim Sait without any basis other children of waqif were alive and they were deprived their right if any to become mutawalli. Subsequently, the said Ismail Sait

had registered a will No. 74/1983 of SRO, Ayyanthole entrusting administration of the waqf with his eldest son Abdul Latheef Sait even though no power vested with the said Ismail Sait to decides scheme of administration. Since the entire family of Abdul Latheef sait was living in Ernakulam, he was administering the waqf through an agent. The said Abdul Latheef sait died in the year 2000 and the respondent No.1 herein, Raju @ Muhammed Ali Sait had taken charge as the Muthawalli as per the above will and administering the waqf.

According to the petitioners due to the mismanagement of the muthawallies of all these years various properties of the waqf were alienated and the income from the properties were substantially decreased. There are encroachments in the waqf property. The waqf properties are not properly maintained and muthawallies were doing anything to increase the income from the waqf properties.

It was concluded by the petitioners that, from the above circumstances it is highly necessary to create a mutawalli committee by making the participation of 2nd 3rd respondents who are the son of the waqif and other male members in the progeny of the waqif including the petitioners and since there is no scheme for the administration of the waqf apart from the will of 1927, a scheme have to be framed for the proper administration of the waqf. There were no habit of submitting proper accounts before the waqf Board and not paying the returns an audit has also to be conducted in the waqf.

Notices were issued to the respondents. R1 appeared through Adv.Abdul Azeez and Adv.Muhammed Usman and Adv.Babu Karukappadath filed vakalath for R2, but not filed any counter. R3 not appeared and set ex-parte on 26.06.2013. R1 filed statement denying the allegations made against him in the petition. It was submitted that the Will executed by the Abdul Haji Ismail Sait and subsequent muthawallies are valid and legal and the petitioners has no right to restrict the Muthawalliship to their sons. There were various litigations filed by the 4th respondent with respect to the above trust including the prayer for the framing of Scheme. O.S 1/1975, O.S 1/1973, O.S 3/1968,

O.S 1/1984 filed before the District Court, Thrissur and O.S 26/1945, O.S 38/1965 before the Sub-Court, Thrissur and case No.170/1121 M.E before the Anchikimal District Court were also dismissed. Apart from all these O.P 3/1965 was filed before the Board was also disposed. Validity of the will No.2/1927, will executed in the year 1954, will No.3/1986 were mentioned and upheld in all the above case. The commissioner appointed by the Board in OP 3/1965 has inspected the trust property and filed report and the said report contains details of properties owned by the above Trust. It was also stated in their statement that the petitioners are not belongs to kutchi memon since they are born for the waqif in Malabari Mappila women. So they have no right to administer the trust as per the will.

It was submitted that 3rd respondent is no more. The 1st respondent is not spending any amount from the trust other than for the purposes mentioned in the will and he has not done anything against the objection of the trust and no loss has been sustained to the trust by the act of the 1st respondent. There is no necessity to frame a scheme for the administration of the trust. If the Board finds it is necessary to frame a Scheme, neither the petitioner nor the 2nd and 3rd respondent are entitled to get participation in the scheme as they are not the members of Kutchi memon Community.

Evidence was taken through Advocate Commissioner. 2nd petitioner was examined as PW1 and documents A1 to A6 marked from the side of the petitioner. 1st respondent was examined as RW1 and documents R1 to R12 marked from the side of the respondent.

Thereafter Administrator of the Board had issued final order in the above OP on 13.12.2019 allowing the prayer for scheme framing. When the 1st respondent herein approached the Hon'ble High Court by filing WPC 26931/2020 challenging the order dtd.13.12.19 on the ground that the administrator of the Board has no power to pass such order, the Hon'ble High Court had set aside the order and restored the matter to the file before the Board as per the judgment dtd.11.01.2023. Accordingly, the petitioners in the OP 62/2013 filed IA 33/2023 to get posting date

before Board and IA 34/2023 to appoint an interim Mutawalli. Counter was filed in IA 34/2023 denying the allegation in the Interim Application that the present muthawalli is infirm and having memory problem (Alzheimers decease) and he has entrusted Nasar Sait, his Power of Attorney holder is mismanaging the waqf. Argument note was filed by petitioner and 1st respondent and OP and IA 34/2023 is posted for orders.

Crucial document with respect to the waqf is a registered will No.2/1927 in which document there waqf properties were set a part as waqf property. This waqf instrucment styled as Waqf Alal Aulad. As per the instrument one person has been named as mutawalli to administer waqf property. And there is no further deputation of mutawalli after the life time of the named mutawalli. The said mutawalli Mohammed Kasim sait died in the year 1954. During the life time of the 1st mutawalli he is seen executed a will to effect appointment of mutawalli. As per the original will the management was completely entrusted with Muhammed Kasim Sait as per clause 12 it is stipulated that” 12. മൈമൽസ്സ് ലോഹ കാരം മലവారి മാപ്പിളസ്ത്രീയെ കെട്ടിയാൽ ഏതു സ്ത്രീക്കും മുതലവകാശ മില്ല. കൊടുത്താൽ ഇരിക്കും.” There is nothing mentioned regarding the rights of children born out of malabari women. After the death of waqif the mutawalli created another will prior to his death fixing his eldest son Ismail Sait as the mutawalli and further stipulated that after the death of Ismail Sait his second son Muhammed Illyas will become the mutawalli and after his death the son of Ismail Sait namely Muhammed Abdul Latheef Sait shall be entitled to become mutawalli. Pertinently this sort of deeds and appointment by a mutawalli not permissible in law or in terms of the waqf recitals. So in short the original mutawalli has gone against the intention of waqif. While fixing the mutawalli each person who acted as mutawalli ignored the complete legal heirs of waqif and the power to management was shrinked to the legal heirs of persons who managed the waqf. Since nobody was given right of mutawalliship after the death of mutawalli by the waqif there is antiquity with respect to the remaining mutawalliship and on the basis of that sole reason the Board has to frame scheme for administration of the waqf property in an effective and best way. This property being an alal aulad property the successors of the waqif’s family are eligible to come to the management of the waqf so as to avoid future dispute with respect to the management. The scheme that is to be framed must have clear cut definition of waqif’s

family and must be accompanied with a proper genealogy schedule.

On perusal of the documents it is seen that the Ismail Sait with whom the mutawalli appointed by the waqif Muhammed Kasim Sait had entrusted administration died in the year 1986. Even though in the will of Muhammed Kasim Sait there is a stipulation that his second son will become mutawalli and after him the son of Ismail Sait will become mutawalli same was not followed by Ismail Sait who created another will bearing No.74/1983 by which he had appointed his elder son Abdul Latheef as Mutawalli and stipulated that after the death of Abdul Latheef his second son Raju @ Muhammed Ali Sait will become mutawalli. The said Raju @ Muhammed Ali Sait is the present mutawalli and there is no further stipulation with regard to mutawalliship. On perusal of the documents Board finds that all these mutawalliships were entrusted illegally ignoring the legal heirs of waqif by the persons who acted as mutawalli who had entrust the management with the persons of their choice. In such circumstances a clear decision is to be taken with regard to the persons who are legally eligible to become mutawalli. As per section 3(i) of the Waqf Act, mutawalli means any person appointed either verbally or under any deed or instrument by which a wqf has been created or by a competent authority to be a mutawalli of a waqf. In this matter the person claiming to be mutawalli is not having any legal right for the same and this Waqf Alal Aulad is to be managed by a committee which includes the legal heirs of waqif and not heirs of one of the legal heirs. This is a fit case in which Board has to frame scheme for administration and appointment of Mutawalli for the best administration of this waqf property.

The petitioner submitted before the Board that Raju @ Muhammed Ali Sait is at present infirm and is having memory problem (alzheimers decease) and one Nazar Sait claiming as power of attorney holder of Raju Sait is mismanaging the waqf. Even though a mutawalli can appoint a person for managing waqf that will not give any right of mutawalliship in such persons. In this matter Raju Sait is not a legal mutawalli and hence he cannot appoint a power of attorney for managing a waqf which is a Waqf Alal Aulad.

The so called power of attorney is not produced in this matter also. It came to the notice of the Board that prior to appointment of power of attorney Raju @ Muhammed Ali Sait had not informed the matter nor obtained permission from the Board. As several complaints were received in the Board regarding mismanagement of waqf , an enquiry was conducted by deputing officers from Divisional Officer, Thrissur who had clearly reported that several property of the waqf is in the hands of 3rd persons and several constructions were carried out in the waqf property without obtaining prior permission from the board and thereby violated the provisions of Kerala State Waqf Rules. The Divisional Waqf Officer, Thrissur had reported that there is severe mismanagement in the waqf and suggested to take over administration through an interim mutawalli. It is noticed by the Board that for the past several years the mutawalli had not cared to appear before the Board even though several notices were issued to him and the person claiming himself as power of attorney holder appeared in this matter but he failed to submit the power of attorney.

In this matter the method of administration is not clearly mentioned by the waqif and any person other than waqif is having any right to unilaterally decide the method of administration of the waqf. The power to frame a scheme for the administration of a waqf is vested with the Board under section 69 of the Waqf Act, 1995 and the stipulation with regard to the administration and mutawalliship decided by a person who is only a beneficiary cannot be permitted at any cost and even if any subsequent document is made by any person with regard to the administration of a waqf same is not binding on the waqf and its beneficiaries. On enquiry of the Board officers it is revealed that several properties of the waqf is lost due to mismanagement and even though several persons are occupying properties without proper documents and the said persons had constructed buildings in the property . The Divisional Officer further reported that several roads were constructed though waqf property with the concurrence of the person administering the waqf and they failed to ensure that the waqf property is protected and no loss is caused to the waqf. If such a person continue in a administration of the waqf it will adversely affect the interest of the waqf and the officers who had conducted joint inspection also reported that the property is to be administered by a person appointed by the Board. The

officers further reported that the person claiming to be in administration is administering the waqf without following the Waqf Act and Waqf Rules. In such circumstances, it is only just and proper that the Board takes over the administration of the waqf as the enquiry report clearly revealed that the mismanagement of the waqf without following the provisions of Waqf Act, and Waqf Rules and a scheme is framed for the administration of the waqf in a better way.

On the basis of the above discussions and taking into consideration of the benefit of the waqf the following order is passed by the Board so as to protect the waqf and its properties.

- 1) Invoking powers vested with the board under section 65(5) of the Waqf Act, 1995, the Board hereby decides to take over administration of Abdul Latheef Ismail Sait Dharmastapanam which is a waqf registered with the Board as 2769/RA. On the basis of this decision Adv, Muneer.M.H., Mathilakath Veettil, Thoyakkavu, Thrissur, Kerala, 680513 as administrator of the waqf for a period of one year from today. The administrator shall manage the waqf as per the provisions of Waqf Act, 1995, Kerala State Waqf Rules 2019, Waqf Properties Lease Rules, 2014 and directions from the Board. He shall submit periodic report at least once in a month and shall take all necessary steps for protecting the waqf properties and its income.
- 2) The Board further decides to frame a scheme for the proper administration of the waqf under section 69 of the Waqf Act, 1995. The parties herein are directed to submit draft scheme from their side which shall be considered by the Board and finalize a scheme. In pursuance to the same the parties shall submit draft scheme within a period of 3 months from the date of this order.
- 3) The Divisional Waqf Officer, Thrissur shall take immediate steps for auditing the accounts of the waqf for the past five years and shall take all actions on the basis of powers delegated to him and if any action is to be taken from the side of the Board the matter shall be placed before the Board through administrative side.

	<p>4) The 1st respondent is directed to hand over all documents pertaining to the waqf within a period of 7 days from the date of receipt of this order to the Divisional Waqf Officer, Thrissur, failing which prosecution case shall be filed against him.</p>
<p>3.</p>	<p>EP No. (A4) 2647/RA Kuthirambatta Jaram, Palakkad</p> <p>Kuthirampatta Jaram is registered with the Board as 2647/ RA during the year 1962 on the basis of an application dated 30.05.1962 submitted by the then Mutawalli Sri. Akkara Kunjali.</p> <p>This enquiry proceedings were initiated on the basis of a complaint submitted by K.P. Mohammed Moulavi stating that he is the mutawalli of Kuthirampatta Namskkara Palli & Jaram which comes under the Kottopadam mahal and the administration of the same is carried on by a committee under him and the President of the said committee Nalakath Puthenpurakkal Koya Haji and his relative namely, Nalakath Puthenpurakkal Ishac Haji had executed two fake documents bearing Nos: 1897/1/1994 and 1802/2002 in order to alienate the waqf property . A letter was issued to the Inspector General , Registration requesting to cancel these documents executed without the previous permission of the board and though notices were issued to the above persons for submitting their version , no explanation was filed by them even after providing ample opportunities.</p> <p>WPC 21865/2003 filed by N. P. Koya Haji the respondent herein against the order of RDO Ottappalam, Palakkad constituting a committee for the management of the waqf by appointing the petitioner herein as the Mutawalli and the respondent as President was quashed by the Hon'ble High Court suggesting the parties to approach the Board for further reliefs.</p> <p>Later, Sri. N.P. Koya Haji submitted an application in the year 2001 for registration of the said waqf and the same was rejected by the CEO on 26.09.2003 on the finding that the said waqf is already registered with the Board by one Akkara Kunjali the then Mutawalli of Kuthirampatta Jaram.</p> <p>This Enquiry Proceedings was commenced as early as in the year 2003 and was posted for final hearing in the year 2007 and from that year onwards this matter stands adjourned as stayed by High Court and for the production of stay order of the Hon'ble High Court till this date. Later , on 03.05.2023 a report was obtained in this file from the Standing Counsel of the Board at High Court of Kerala stating that no case of this Jama ath is pending .Thereafter two more</p>

chances were given to produce the said stay order. The present position of the matter as well as the details of the waqf is not seen available in the files of the Board and for getting a clear picture of the matter the Board finds that a proper enquiry is to be conducted through Divisional Waqf Officer, Thrissur and upon getting report of the Divisional Waqf Officer further action can be taken from the side of the Board. As there was allegation regarding the alienation of the waqf property the Chief Executive Officer shall take further actions under Section 52 if it is found that the property is alienated.

Hence Divisional Waqf Officer, Thrissur is directed to conduct an overall enquiry with regard to the properties, administration and the allegations regarding alienation of the properties of the waqf and submit a detailed report before the Board after initiating actions invoking the powers delegated to him and if any further action is to be initiated from the said of the Board the Divisional Waqf Officer shall place the matter before the Board through administrative side. If there is findings regarding alienation in the enquiry report the office shall include the matter in the Enquiry of Chief Executive Officer under section 52 of the Waqf Act,1995. Matter is disposed of accordingly.

4. OP No. 150/2012 Kalathode Muslim Jama-ath, Thrissur

The OP was filed by the petitioner under sections 32, 47, 64 and 70 of the Waqf Act,1995 seeking to conduct an enquiry regarding the administration and management of the 1st respondent Kalathodu Jama ath Palli & Mullakkara Jaram, to conduct audit of accounts of the Kalathodu Jama ath Palli & Mullakkara Jaram for the last 12 years, to remove the present Muthawalli committee headed by respondents 2 and 3 since they are continuously neglects their duties and commits misappropriation of Waqf funds and its properties and misappropriating Waqf funds and praying for appointing an Officer of the Board as Muthawalli of the above Waqf.

The petitioner had raised severe allegations of mismanagement against the respondent and had pointed out instances of mismanagement. On 01.08.2012 as per the Order in I.A 107/2012 in O.P.150/2012 the Office was directed to appoint an auditor for auditing the account of the Waqf from 2000 onwards. The respondent appeared and filed statement, denied all allegation made in the petition and raised allegations against the committee prior to them.

This is a very old matter and most of the prayers raised in the petition had become infructuous. It is learned that at present another

	<p>committee is administering the waqf. As an auditing is already ordered in this matter the Divisional Waqf Officer, Thrissur is directed to verify the audit report and take further action if necessary and if any action is to be taken from the side of the Board he shall place the matter before the Board through administrative side.</p>
5.	<p>OP No. 28/2018 Ilfathul Islam Sangham (Ponnuruni Jama-ath), Ernakulam Order not ready. Posted to 05.03.2024</p>
6.	<p>OP No. 72/2010 Alappuzha Kizhakke Muslim Jama-ath, Alappuzha Order pronounced wide separate sheet</p>
7.	<p>EP No. 3341/2014 Varanam Muslim Pally (Hidayathul Islam Jama-ath), Alappuzha</p> <p>This Enquiry proceedings was initiated on the basis of a report of the Divisional Waqf Officer, Kottayam. Varanam Muslim Palli (Hidayathul Islam Jama ath) and its properties are registered with the Board as 3468/RA. An application was received at the office of the Board from one C.H. Abdul Majeed claiming for the Mutawalliship of the said waqf stating that the property having an extent of 1 Acre 51 cents in which the Varanam Jama ath Palli is situated is dedicated as waqf by his primogenitor Janab : Maitheen Kunju Kochunni vide Doc: No: 2129/1101 of Cherthala SRO and that at as per the said waqf deed post of “khali” will be inherited by the successors of the waqif . He further stated that as per the recitals in the waqf deed the mutawalliship of the said waqf will be inherited by the successors of the waqif.</p> <p>From the report of the Divisional Officer it is seen that as per the waqf deed the post of Khali is inherited by the successors of the waqif and as such the applicant is entitled for the same. It was further reported that at the time of enquiry the President of the waqf had stated that applicant Janab C.H. Abdul Majeed is not deserving the post of Mutawalli and that for the last so many years the administration of the waqf is carried on by the elected committee but the bye-law of the waqf was not submitted by the President for the Enquiry officer’s perusal.</p> <p>Accordingly notice for hearing was issued to the parties for</p>

appearance before the Board. Meanwhile, a letter dated 02.02.2015 is received from the office bearers of the jama ath Committee stating that they have no objection in appointing Janab: C.H. Abdul Majeed as “Khali” of the waqf. Though in the application , the applicant had stated that being the legal heir of the waqif he may be appointed as the Khali of the waqf , in the statement filed before the Board he had prayed for appointing him as the mutawalli and that he had no objection in continuing the present committee system subject to the control of mutawalli.

The dispute is with regard to the mutawalliship and the claim of the applicant and the committee for the same. The post of Khali and mutawalli are two entirely different posts with different duties and the applicant is claiming for the post of mutawalli and at present there is a committee in administration of the waqf who had submitted before the Board that the applicant is not entitled for the mutawalliship and the committee is administering the waqf. As per the judgment of the Hon’ble High Court of Kerala, adjudication of disputes relating to mutawalliship shall be made by the Waqf Tribunal established under the Waqf Act and not by the Board. Under the above circumstances the above petition is disposed with a direction to the applicant to approach appropriate authority under the Act for deciding his claim for mutawalliship.

8.	OP No. 146/2015 Khadimul Islam Palakkazhi Puthen Juma Masjid, Palakkad Order not ready. Posted to 05.03.2024
9.	OP No. 04/2021 Pallikkara Muslim Jama-ath, Ernakulam Order not ready. Posted to 05.03.2024
10.	OP No. 68/2020 Abdul Latheef Haji Ismail Sait Trust, Thrissur Order not ready. Posted to 05.03.2024
11.	OP No. 40/2013 Al-Hidaya Islamic Trust, Palakkad Order not ready. Posted to 05.03.2024
12.	OP No. 22/2022 Adoor Muslim Jama-ath, Pathanamthitta Order not ready. Posted to 05.03.2024
13.	OP No. 216/2023 Kumarapuram Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 05.03.2024
14.	EP No. (A3) 3293/CR Petta Muslim Jama-ath, Ernakulam Order not ready. Posted to 05.03.2024

15.	OP No. 40/2014 Mulavoor Central Mahallu Jama-ath, Ernakulam Order not ready. Posted to 05.03.2024
16.	OP No. 126/2023 Ilfathul Islam Sangham (Ponnurunni Jama-ath), Ernakulam Order not ready. Posted to 05.03.2024
17.	OP No. 60/2017 Haji Usman Haji Allarikhiya and Ayyob Haji Abdul Rahiman Sait Trust, Ernakulam order not ready. Posted to 28.02.2024
18.	EP No. C3-3300/CR Abdul Sathar Haji Moosa Sait Dharmastapanam, Ernakulam Order not ready. Posted to 05.03.2024
19.	EP No. (A9) 1942/2005 Jamaia Juma Masjid Jama-ath Committee, Palakkad Order not ready. Posted to 05.03.2024
20.	OP No. 20/2014 Kareppadam Muslim Jama-ath, Kottayam Order not ready. Posted to 05.03.2024
21.	OP No. 130/2022 Kumarapuram Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 05.03.2024
22.	OP No. 102/2017 Thiruvalla Muslim Jama-ath, Pathanamthitta Order not ready. Posted to 05.03.2024
23.	OP No. 148/2019 Cheraman Juma Masjid, Thrissur Order not ready. Posted to 05.03.2024
24.	OP No. 02/2022 Pangod Puthen Pally Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 05.03.2024
25.	OP No. 116/2022 Konthalappally Juma Masjid, Idukky order not ready. Posted to 28.02.2024
26.	OP No. 88/2023 Mundakkayam Varikkani Muslim Jama-ath, Kottayam Order not ready. Posted to 05.03.2024
27.	OP No. 120/2021 Adoor Muslim Jama-ath, Pathanamthitta Order not ready. Posted to 05.03.2024
28.	OP No. 62/2022 Amayoor Muslim Jama-ath, Pathanamthitta Order not ready. Posted to 05.03.2024
29.	OP No. 128/2021 Valavu Mahallu Muslim Jama-ath, Thrissur Order not ready. Posted to 05.03.2024
30.	OP No. 30/2018 Chunakkara Thekku Muslim Jama-ath, Alappuzha Order not ready. Posted to 05.03.2024
31.	OP No. 04/2022 Pangod Puthen Pally Muslim Jama-ath, Thiruvananthapuram

	Order not ready. Posted to 05.03.2024
32.	OP No. 86/2021 Nannathukav Pothencode Juma Masjid, Thiruvananthapuram Order not ready. Posted to 28.02.2024
33.	OP No. 114/2015 Koolimuttom Nedumparamb Mahallu Jama-ath, Thrissur Order not ready. Posted to 05.03.2024
34.	OP No. 148/2013 Thirunakkara Muslim Jama-ath, Kottayam Order not ready. Posted to 05.03.2024
35.	OP No. 118/2023 Thiruvananthapuram Valiya Pally Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 28.02.2024
36.	OP No. 174/2023 Kumarapuram Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 05.03.2024
37.	OP No. 128/2023 Kappukad Muslim Jama-ath Committee, Thiruvananthapuram Order not ready. Posted to 05.03.2024
38.	OP No. 154/2023 Cheruthuruthi Juma Masjid and Madrassa Committee, Thrissur Order not ready. Posted to 05.03.2024
39.	OP No. 246/2023 Kadooppadam Muslim Jama-ath, Ernakulam Order not ready. Posted to 05.03.2024
40.	OP No. 48/2020 Nibrasul Islam Sangham, Palakkad The main O.P. is filed by the petitioner under sections 69 and 70 read with sections 32 and 33 of the Waqf Act, 1995 seeking to conduct an enquiry in to the affairs of Karinganad Juma Masjid, to hold that the jaram in the compound of Karinganad Juma Masjid is not a part of the mosque and not a separate waqf, to frame a scheme for Karinganad Juma Masjid and to conduct election and also to appoint an interim mutawalli or an executive officer pending enquiry and final adjudication. While the said matter was pending before the Board, the respondent filed an application to appoint a commissioner for inspecting the property and measuring the property with the assistants of surveyor. The petition was allowed and Adv. Peer Muhammed Khan was appointed as commission for inspecting the property with the assistants of a local surveyor and file report. So far no final report is filed and interim report is seen submitted by the advocate commission stating that even though he had contacted the Taluk Surveyor for survey he was

informed that without specific direction from the court or the waqf board they are not in a position to provide any day for survey and measurement of any property.

While so, the present I.A. is filed by the petitioner seeking to appoint an interim mutawalli or an executive officer for Karinganad Juma Masjid pending enquiry and final adjudication of the dispute. According to the petitioner even though he had submitted several applications with regard to the mismanagement and administration of the public waqf no fruitful action is taken from the office and hence, he requested intervention of the waqf Board to elect a mutawalli and for framing scheme. Even though he had raised allegations regarding the administration carried out by the committee he had not even made an averment that there is vacuum in the administration nor that the election of the present committee is disputed. So also, there is no statement in the affidavit that the waqf is having an income of more than Rs.5 lakhs so as to appoint an executive officer. The respondent had not submitted counter to the I.A. even though counter is submitted in the main O.P. In the counter in main O.P. it is stated that the 4th and 5th petitioners had withdrawn their contentions on 7-04-2021 and the remaining petitioners are not members of the mahal as they did not pay subscription since 2012. The respondents had raised several allegation against the 1st petitioner with regard to his suspension from the post of Head Master of the school under the management of waqf. The respondents claimed that they are duly elected members of Nibrasul Islam Sangham in general body held on 24-11-2019 and 14-03-2021 and the elected committee is filing returns and reports to the Board.

In this matter the petitioner had raised several serious allegations against the respondent committee and the Board being the supervisory authority cannot ignore the allegations. Before taking a final decision in this matter a detailed report regarding the administration, management, election, properties and income of the waqf is to be obtained by the Board.

Hence Divisional Waqf Officer, Thrissur is directed to conduct a detailed enquiry regarding the administration, management, election, properties and income of the waqf and also with regard to the allegations in the petition and submit a detailed report within one month from the date of this order. The report shall be placed before the Board in the meeting to be held on 24/04/2024.

41.	OP No. 102/2021 Nannathukav Pothencode Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 05.03.2024
42.	OP No. 86/2023 Kanjiramchira Muslim Jama-ath, Alappuzha Order not ready. Posted to 05.03.2024
43.	OP No. 112/2022 Kilikolloor Siyarathumood Muslim Jama-ath, Kollam Order not ready. Posted to 05.03.2024
44.	OP No. 46/2023 Punukkannoor Muslim Jama-ath, Kollam Order not ready. Posted to 28.02.2024
45.	OP No. 02/2023 Kilimanoor Central Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 05.03.2024
46.	OP No. 32/2021 Kilikolloor Siyarathummood Muslim Jama-ath, Kollam Order not ready. Posted to 05.03.2024
47.	OP No. 12/2019 Kalloor Karnikkal Muslim Juma Masjid, Thrissur For proof affidavit. Posted to 24.04.2024
48.	OP No. 126/2022 Mailappoor Muslim Jama-ath, Kollam IA No. 37/2024 to appoint interim muthawalli. Notie given. IA No. 38/2024 to appoint Returning Officer. Notice given. For counter. Posted to 28.02.2024
49.	OP No. 16/2020 Kuriyathole Muslim Jama-ath, Ernakulam For objection in audit report filed. For filing proof affidavit. Posted to 24.04.2024
50.	OP No. 14/2022 Manakkal Valiya Pally Muslim Jama-ath, Thiruvananthapuram Commission filed report. Pw1 examined. Exhibit A1 to A8 marked. For respondents Evidence. Posted to 24.04.2024
51.	OP No. 32/2023 Thottumugham Padinjare Pally, Ernakulam IA No. 36/2024 to receive documents with document list. Notice given. IA No. 36/2024 allowed. For proof affidavit. Posted to 24.04.2024
52.	OP No. 54/2023 Kattumurakkal Muslim Jama-ath, Thiruvananthapuram Counter in IA No. 61/2023 filed. Counter in main OP filed. No counter in IA No. 62/2023. Hence allowed. For counter in IA No. 61/2023. Posted to 24.04.2024
53.	OP No. 56/2023 Kattumurakkal Muslim Jama-ath, Thiruvananthapuram Counter in IA No. 66/2023 filed. For orders of all IA's. Posted to 24.04.2024
54.	OP No. 220/2023 Manjalloor Kundayam Hanafy Muslim Jama-ath,

	Kollam Counter filed in IA No. 201/2023 and counter in main OP also filed. Posted to 28.02.2024
55.	OP No. 210/2023 Kottol Mahal Central Juma Masjid Committee, Thrissur for counter and hearing. Posted to 28.02.2024
56.	EP No. (A9) 4645/CR Putharippadam Mayyathankara Jama-ath, Palakkad For proof affidavit of the petitioner. Posted to 05.03.2024
57.	OP No. 58/2023 Malippuram Sankhetham Hajidu Pally Jama-ath Committee, Ernakulam call on 28.02.2024
58.	OP No. 144/2023 Masjidul Ijaba Muslim Jama-ath Committee, Alappuzha Proof affidavit filed. Adv. Shifa S Alappuzha is appointed as advocate commissioner to pay Rs. 2000/- per witness per day. For commissioner report. Posted to 24.04.2024
59.	OP No. 106/2022 Noor Muhammediya Jama-ath, Idukky Commission filed report. Pw1 Examined. A1 to A8 marked. A3, A4,A6 objected. For respondents evidence. Posted to 24.04.2024
60.	OP No. 136/2019 Ettumanoor Athirampuzha Muslim Jama-ath, Kottayam Advocate commissioner filed an application. For return of warrant. Posted to 24.04.2024
61.	OP No. 10/2022 Vallakkadav Muslim Jama-ath, Thiruvananthapuram Returning officer filed report with application for remuneration. For orders. Posted to 24.04.2024
62.	OP No. 06/2022 Pengattusserry Muslim Jama-ath, Ernakulam For counter in IA No. 42/2024. Notice given. For counter. Posted to 24.04.2024
63.	OP No. 14/2020 Chilakkoor Muslim Jama-ath, Thiruvananthapuram Respondent filed argument notes. For argument notes of the Petitioner. Posted to 24.04.2024
64.	OP No. 130/2021 Nusrathul Islam Madrassa Committee, Ernakulam It is reported the petitioner is no more. Take steps. Posted to 24.04.2024
65.	OP No. 10/2019 Kollam Pattalath Pally, Kollam For filing chief affidavit. Posted to 24.04.2024
66.	IA No. 228/2022 in OP No. 68/2013 Ochira Thanveerul Islam Sangham, Kollam

	Cost received. For counter in IA No. 228/2023. Posted to 24.04.2024
67.	OP No. 52/2023 Pazhayalakkidi Hidayathul Islam Mahallu Jama-ath, Palakkad For order in IA No. 60/2023. Posted to 05.03.2024
68.	EP No. (A8) 6154/2019 Idasserry Juma-ath Pally, Thrissur Additional batta paid. Returning officer filed report. For orders. Posted to 05.03.2024
69.	OP No. 124/2023 Neeravil Muslim Jama-ath, Kollam IA No. 273/2023, IA No. 274/2023, IA No. 275/2023 – Closed. IA No. 276/2023 Closed. For counter. Posted to 28.02.2024
70.	OP No. 102/2022 Pappanamkode Mahallu Muslim Jama-ath, Thiruvananthapuram No representation by the counsel for the petitioner. For orders. Posted to 24.04.2024
71.	OP No. 100/2023 Chirayinkeezhu Muslim Jama-ath, Thiruvananthapuram For counter. Posted to 28.02.2024
72.	OP No. 142/2019 Muhiyudheen Juma Masjid and Hidayathul Islam Madrassa, Kollam No representation by the petitioner and counsel. Name called. For orders. Posted to 28.02.2024
73.	OP No. 108/2022 Veluthamanal Muslim Jama-ath, Kollam Endorsed. The petitioner not pressed. Hence this petition dismissed.
74.	OP No. 134/2017 Haji Usman Haji Allarakhiya and Ayyoob Haji Abdul Rahman Trust, Ernakulam For commission report. Posted to 05.03.2024
75.	EP No. (A3) 3300/CR – 1 Abdul Sathar Haji Moosa Sait Dharmastapanam, Ernakulam Adv. Abdul Jabbar appeared for receiver. For report of interim muthawalli. Posted to 24.04.2024
76.	OP No. 10/2015 Rifayeen Juma Masjid, Kollam observer filed report. For counter in IA No. 218/2023 and 216/2023. IA No. 219/2023 closed. For counter. Posted to 24.04.2024
77.	OP No. 184/2022 Abdul Sathar Haji Moosa Sait Dharmastapanam, Ernakulam Await audit report. Adv. Abdul Jabbar filed fresh vakkalath. Counter filed. Posted to 24.04.2024
78.	OP No. 184/2023 Thiruvananthapuram Valiya Pally Muslim Jama-ath, Thiruvananthapuram

	For filing chief affidavit. Posted to 24.04.2024
79.	OP No. 26/2023 Alangad Muslim Jama-ath, Ernakulam No oral evidence. For petitioner Exhibit A1 to A10 marked. For orders. Posted to 24.04.2024
80.	OP No. 148/2023 Puthoor Pally Muslim Jama-ath, Kottayam IA No. 205/2023 for prosecution. Counter filed. Heard. For orders in IA's. Posted to 28.02.2024
81.	OP No. 226/2023 Nettoor Mahallu Muslim Jama-ath, Ernakulam For counter Posted to 24.04.2024
82.	OP No. 42/2022 Muttam Muslim Jama-ath, Alappuzha order not complied. For orders. Posted to 28.02.2024
83.	EP No. (A9) 620/2023/TSR School of quran, Thrissur For statement of all parties. Posted to 24.04.2024
84.	EP No. (A8) 4550/2023/TSR Kakkottil Punnappadam Juma-ath Pally, Palakkad for statement. Posted to 28.02.2024
85.	OP No. 212/2023 Anwar Masjid, Thrissur For counter. Posted to 24.04.2024
86.	OP No. 186/2018 Abdul Sathar Haji Moosa Dharmastapanam, Ernakulam For further report of the trustee. Posted to 24.04.2024
87.	OP No. 92/2021 Edava Muslim Jama-ath, Thiruvananthapuram Executive officer filed report. Returning officer filed interim report. Issue direction to the executive officer to co-operate with the returning officer and appearance of the Executive officer. Posted to 28.02.2024
88.	OP No. 138/2022 Maleriyam Jama-ath Pally, Palakkad For commission report. Posted to 28.02.2024
89.	OP No. 122/2023 Kutilanji Methala Muhiyudheen Juma Masjid, Ernakulam For hearing. Posted to 05.03.2024
90.	OP No. 38/2023 Karukaputhoor Mahallu Jama-ath Committee, Palakkad Document list and rejoinder filed. For verification. Posted to 28.02.2024
91.	IA No. 245/2023 in EP No. 2492/2018 Polayathode Pareediya Masjid Muslim Jama-ath, Kollam Statement filed by Party No. 1. Party No. 2 and 3 seeks time for statement. For statement. Posted to 24.04.2024
92.	OP No. 234/2023 Manjakkulam Pally Makham Madrassa Committee, Palakkad Counter filed. Objection to observers report and steps. Posted to

	24.04.2024
93.	OP No. 116/2021 Kaitharam Muslim Jama-ath, Ernakulam Call on 24.04.2024
94.	OP No. 46/2016 Palod Muslim Samajam, Palakkad Respondent and petitioner represented. Call on 24.04.2024
95.	OP No. 8/2024 Erumeli Mahallu Muslim Jama-ath, Kottayam Adv. Mohammed Shah filed vakkalath for the respondents. Counter in IA and OP filed. For steps. Posted to 24.04.2024
96.	OP No. 16/2024 Vadakara Muslim Jama-ath, Kottayam Petitioner represented. R1,2 and 3 filed vakkalath by Adv. Abdul Kareem. For counter. Posted to 24.04.2024
97.	OP No. 190/2018 Chiramangad Muhiyudeen Juma Masjid, Thrissur Call on 24.04.2024
98.	OP No. 156/2019 Padannakkara Jama-ath, Kannur Call on at Kozhikode. Posted to 21.02.2024
99.	EP No. 4652/2017/CR Nusrathul Islam Sangham, Ernakulam Suo motto reopened. After issuing notice to the counsels appearing for the parties. A connected file is in C8 section of the Board. Transfer this file to C8 section for clubbing with that file.
100.	IA No. 1/2019 in OP No. 86/2016 Thirunakkara Muslim Jama-ath, Kottayam Call on 05.03.2024
101.	OP No. 28/2024 Ithikkara Muslim Jama-ath, Kollam Issue notice. For return of notice. Posted to 24.04.2024
102.	OP No. 38/2024 Perunkuzhi Muslim Jama-ath, Thiruvananthapuram Issue notice to the respondents. Posted to 24.04.2024 IA No. 39/2024 Heard the Petitioner. The petitioner had made out a prima facie case. The respondents are hereby restrained from leasing out the waqf property without following the provisions of the Waqf properties Lease Rules, 2014.
103.	OP No. 40/2024 Theruvath Pally Makham Committee, Palakkad Issue notice to the respondents. Posted to 24.04.2024 IA No. 40/2024 Heard. The petitioner had made out a prima faice case. The further actions on the basis of suspension notice dated 07.11.2023 is hereby suspended until further orders from the Board.

104.	<p>OP No. 42/2024 North Mynagappally Muslim Jama-ath, Kollam Issue notice to the respondents. Posted to 24.04.2024 IA No. 46/2024 Heard. The petitioner had made out a prima facie case. Respondents are hereby directed not to interfere in the administration and management of Karookkadav Thaikkavu and Sharee-athul Islam Madrassa at Karookkadav.</p>
105.	<p>OP No. 44/2024 Mylapore Muslim Jama-ath, Kollam Issue notice to the respondents. Posted to 24.04.2024</p>
106.	<p>OP No. 46/2024 Pezhakkappilly Muslim Jama-ath, Ernakulam Issue notice to the respondents. Posted to 24.04.2024 IA No. 51/2024 Heard. The petitioner had made out a prima facie case. The respondents are restrained from conducting election to the Jama-ath Committee without prior permission of this Board.</p>
107.	<p>OP No. 48/2024 Kilikollur Thekumkara Muslim Jama-ath Committee, Kollam Issue notice to the respondent. Posted to 24.04.2024 IA No. 53/2024 Respondent Jama-ath committee is directed to produce documents in the affidavit before the Board. Posted to 24.04.2024</p>
108.	<p>OP No. 50/2024 South Thrithala Juma Masjid, Palakkad Issue notice to the respondents. Posted to 24.04.2024 IA No. 54/2024 Divisional Waqf Officer is directed to conduct audit of accouts for the Years of 2022-2023 to 2023 to 2024 and complete the procedure as delegated and if action is to be taken from the side of the Board matter shall be placed before the Board through administrative side.</p>
109.	<p>OP No. 52/2024 East Veliyathunadu Juma Masjid, Ernakulam Issue notice to the respondents. Posted to 24.04.2024</p>
110.	<p>OP No. 54/2024 Puthoor Pally Muslim Jama-ath, Kottayam Issue notice to the respondents. Posted to 28.02.2024 IA No. 55/2024 Heard. The petitioner had made out a prima facie case. All further action to be taken against the petitioner by the Jama-ath on the basis of the decision taken by the Jama-ath council dated 13.01.2024 is suspended until further orders. The next meeting date of the committee/sub committee is to be informed to the petitioner serve the notice and order through special messenger.</p>

111.	IA No. 43/2024 in OP No. 158/2022 Ilfathul Islam Sangham, Ernakulam Advanced to 05.03.2024
112.	IA No. 45/2024 in OP No. 118/2023 Thiruvananthapuram Valiya Pally Muslim Jama-ath, Thiruvananthapuram No representation for petitioner or counsel. Name called. Dismissed.
113.	IA No. 44/2024 in OP No. 126/2018 Pudoor Puthen Pally Jama-ath, Palakkad Issue notice to the respondents. Posted to 05.03.2024