

A DIARY
Dated: 28.02.2024

1. OP No. 136/2022 Marampally Muslim Jama-ath, Ernakulam
The above I.A. is filed by the petitioners seeking to implead themselves as additional respondents 4 to 13 in the above O.P. According to the petitioners they are permanent residence within the jurisdiction of the jama-ath and are members and beneficiaries of the jama-ath. The petitioners submitted that a person namely Abdul Azeez who is already impleaded in this matter had submitted a petition to appoint a returning officer and on 07-06-2023 Adv.Peer Muhammed Khan was appointed as Interim Mutawalli cum Returning Officer. According to the petitioners the interim mutawalli who took charge on 09-06-2023 was seen to act for one fraction and he tried to break open the Bhandaram secretly which was stopped by the petitioners who had complaint to police. The petitioners further submitted that they feels that it is proper to implead themselves in this case so as to bring the matters correctly before the Board and for getting information as to what reports he is filing against them before the Board and to reply regarding the same. Hence the petitioners filed this application.
The respondents 1 and 2 appeared and submitted that most of the prayers in the petition is already allowed after hearing the parties and the Board had passed an order to conduct fair election and the returning officer had initiated steps for the same. In such circumstances, the presence of applicants are not necessary. The main purpose pointed out by the applicants is to know what is reported against them by the interim mutawalli and to filed objection against them. According to the respondents for that purpose there is no need to get themselves impleaded on the other hand they can get copies of the report of the interim mutawalli by filing application and can see other remedies by separate proceedings as they wish. The respondents also submitted that the truth of the actual things happened on 09-06-2023 can be seen not only from the report of the returning officer but also from the report of the staff of the Board deputed by the Board to assist the interim mutawalli. The respondents also submitted that the petitioners had not produced anything to convince about that they are members of the jama-ath.
The additional 3rd respondent had also filed objection stating that the petitioners herein are not at all necessary in order to enable the Board to effectually and completely adjudicate and settle the questions involved in the O.P. Some of the petitioners along with others had

obstructed and prevented the interim mutawalli and officers of the Waqf Board from performing their official duties. The 3rd respondent further submitted that already returning officer is appointed to conduct election, audit is ordered and interim mutawalli is appointed and at his later stage the presence of petitioners is absolutely not necessary to decide any questions involved in the case.

Impleadment is necessary when the presence of the new party is required in order to effectively and completely adjudicate the dispute in the suit. So also the decision to allow impleadment is based on certain criteria, such as the possibility of multiplicity of proceedings and the existence of a semblance of a title in the party seeking impleadment. That means the party seeking impleadment should have a legitimate claim or interest in the subject matter of the petition. In this matter the petitioner had not effectively submitted before this board regarding their legitimate claim or interest in the subject matter of the petition. It is also seen that some of the petitioners are involved in causing obstruction to the interim mutawalli as well as the officers of the Board in performing their official duty and FIR is registered in the said matter. The petitioner had not produced any document to prove that they are members of the jama-ath and thereby they failed to prove their interest in this matter with regard to the administration of the jama-ath. From the averments in the affidavit their only interest is with regard to the report of the interim mutawalli and his allegations against them. As the petitioners failed to prove that they are the members of the jama-ath and to prove their legitimate claim or interest in the subject matter of the petition, the Board finds that there is no need to implead them in this proceedings for the effectively of the case. Hence, the I.A. dismissed.

2. OP No. 108/2023 Vakkam Padinjare Muslim Jama-ath, Thiruvananthapuram

The main O.P. is filed by the petitioner seeking to conduct election to the jama-th committee through an Advocate Commission appointed by the board, to conduct audit of accounts of the jama-th for the period 2018 to 2023 and for other related reliefs. The petitioner had raised severe allegations against the existing committee including the reluctance from the side of the respondents for conducting election to the jama-ath committee even though three years had lapsed after the completion of their term. The petitioner submitted that the respondents are continuing in administration illegally without calling for annual general body, without submitting accounts for the approval of the general body and by threatening the jama-th members who asks for conducting election.

According to the petitioner there is huge malpractice in the accounts and constructions were carried out without obtaining approval from Board and without calling for tender, and are utilizing the money of the jama-ath as per the whims and fancies without depositing the same in the accounts of the jama-ath. The petitioner further submitted that they strongly apprehend that the present committee is trying to conduct election violating the provisions of bye-law and hence, the petitioners had approached the Board.

Along with the petition the petitioners had filed 3 I.A.s in which I.A.No.90/2023 is seeking to restrain the respondents from conducting election without the knowledge or permission of the Board and not to take any policy decision. An order dated 31-05-2023 was passed in the I.A. restraining the respondents from conducting election to the jama-ath without obtaining permission from the Board. I.A.91/2023 was filed seeking to appoint an auditor for auditing the accounts of the jama-ath from the year 2018 to present. The said I.A. was allowed by the Board on 31-05-2023 directing the Divisional Waqf Officer, Thiruvananthapuram to appoint an officer to audit the accounts of the jama-ath from 2018 to 2023. After that I.A. 217/2013 was filed by the petitioners seeking to appoint an advocate as returning officer for conducting election to the committee in administration of 1st respondent jama-ath.

The respondents appeared and submitted counter to the main O.P. as well as to I.A.217/2023. The respondent contented that the process of conducting election through secret ballot system can be adopted only when no other option is available for conducting election. As per the bye-law it is proper to conduct election through electing office bearers from the general body for upholding the unity and peace of the jama-ath. The committee which came to power in the year 1997 continued against the provisions of the bye-law and in such circumstances an election was conducted by the Waqf Board through a returning officer in the year 2018 and the respondents came into the administration. The respondent had not denied the fact that the term had expired and had not raised any claim that they were elected subsequently. The respondent further contented that the accounts of the committee elected in the year 2018 is already audited by an auditor appointed from the Board and the accounts of the previous committee during the year 2016-2018 was audited and it is found that there is misappropriation of

Rs.5,45,000/- and the erstwhile committee had not remitted the said amount. All these things are not sufficient to object a petition to appoint returning officer for conducting election. The respondent further submitted that the members of the jama-ath are having an opinion that the persons who are responsible for misappropriation of fund should not be permitted to contest election.

As the term of the committee is expired and new office bearers are not elected and the care taken committee which is continuing after its term is not ready to conduct election it is proper to appoint a returning officer for conducting election through secret ballot system. With regard to the allegation of misappropriation of Rs.5,45,000/- which is found in the audit the Divisional Waqf Officer, Thiruvananthapuram is directed to take immediate steps for recovering the said amount from the responsible persons after completing all legal formalities. Allegation in the audit report is not a bar to conduct election to the Jama-ath committee when the term of the committee had expired and their continuation is questioned by members of the Jama-ath before the Board. In such circumstances, it is proper to conduct election to the Jama-ath Committee in a democratic method by appointing a Returning Officer by the Board. On the basis of the above finding Adv.G.Nissar, Office: White Manor, Opposite Police Station, Vanchiyoor, Trivandrum-35 is appointed as Returning Officer for conducting election to the Jama-ath Committee through Secret Ballot system by preparing voters list after complying all legal formalities. He shall be entitled for an initial Batta of Rs.25,000/- which shall be paid by the Jama-ath Committee on his taking charge and the expenses for conducting election to the Jama-ath including the final batta shall be met from the Jama-ath funds. He shall complete the election process and submit report within 3 months from date of receipt of this order. I.A is disposed of accordingly.

3. OP No. 24/2023 Punaloor Alacherry Muslim Jama-ath, Kollam

The main O.P. is filed by the petitioner under section 32, 43, 70 and 71 of the waqf Act, 1995 seeking to appoint a recognized engineer and conduct valuation of the reconstructed mosque as suggested by the auditor appointed by the Board in his report dated 20-02-2021, to evaluate the loss on the basis of audit report and recover the same from the responsible persons and for other related reliefs.

According to the petitioner Punaloor Alanchery Muslim Jama-ath is administered by a committee elected as per the bye-law of the jama-ath, that the general body held in the year 2015 had elected a

reconstruction committee for reconstructing the mosque and they had started the work without any discussions and without following norms. The petitioner further submitted that huge amount is collected from the mahal members as well as outsiders for the construction of the mosque and no proper account is maintained for the same and even after the elapse of 9 years the construction is not completed. Still the respondents are collecting money stating that payments to creditors are due. As some disputes arouse with regard to the construction and its accounts an audit was conducted by deputing an auditor from the Board who had reported serious malpractices in the reconstruction of the mosque. The petitioner had pointed out several allegations of malpractices contained in the audit report in addition to some other complaints raised by him. The petitioner further stated that even though an explanation was sought for from the respondent committee with regard to the defects pointed out in the audit report they failed to submit the same as directed from the Board. Even though the Divisional Waqf Officer had issued a prosecution notice, so far no further action is taken. In such circumstances the petitioner approached the Board by filing this petition.

The respondents appeared and denied all the allegations raised by the petitioner and submitted that the plan and the estimate was approved by the committee and construction was carried out utilizing the contribution received in cash and the materials contributed by the members voluntarily. Accounts were properly maintained and the allegation that huge amount was collected from persons was denied. The respondents further submitted that the auditors had not reported that the accounts are false and some minor discrepancies occurred while keeping the accounts was pointed out by the auditors. The respondent further submitted that they had submitted explanation for the defects pointed out in the audit report and the mosque was constructed taking clear estimate, quotation and the materials utilized were A grade items. Huge amount was expended for strengthening the mosque including structural work, underground cellar and same could be realized by an experienced engineer. The respondent submitted that at present there is no situation which warrants physical verification of the building and if the board finds its necessary to conduct physical verification they requested to conduct the same in the presence of 4th respondent architect.

On verification of the file and on hearing the parties Board finds that for getting a clear picture with regard to the allegations and the counter it is proper to conduct a physical verification of the property by

an engineer who is capable to value the same. As 4th respondent Architect is the person who had designed and supervised the actual construction he is the person who can explain the details of the material and the works that are done in the mosque it is proper that the verification is done in the presence of 4th respondent. On the basis of the above finding the Divisional Waqf Officer, Thiruvananthapuram is directed to take steps for physical verification and to conduct valuation of the reconstructed mosque through an Engineer who is retired from the service of the Public Works department of the state. While conducting such physical verification the presence of 4th respondent shall be ensured by the Divisional Waqf Officer by serving proper notice. An amount of Rs.10,000/- is fixed as the batta to the Engineer for conducting the inspection which shall be deposited by the petitioner at the Divisional Office, Thiruvananthapuram within 2 weeks. After getting the inspection report the Divisional Waqf Officer shall verify the same and shall evaluate the loss on the basis of the inspection report and audit report. If any clarification is needed with regard to the audit report on the basis of the valuation report the DO can obtain the same from the auditor and shall place the matter before the Board through administrative side if any further action is needed. Matter is disposed of accordingly.

4. OP No. 148/2023 Puthoor Pally Muslim Jama-ath, Kottayam
- The above I.A. is filed by the petitioners seeking to initiate criminal prosecution against the 1st respondent who is the secretary of Puthoor Palli Muslim Jama-ath, Changanassery. According to the petitioners they had filed the O.P. seeking to set aside the notice dated 03-07-2023 issued by the secretary of Puthoor Palli Muslim Jama-ath and for other consequential relief. As per the said notice it is stated that the 1st petitioner was seen taking part in the general body dated 02-07-2023 as per the attendance register of the meeting and hence he was warned not to take part in the meetings of the mahal as he belongs to barbar family and his attendance was cancelled. He was further warned not to repeat the same in the future. The said notice was stayed by the Board. According to the petitioner even though the order was passed against committee they had not complied with the order and the petitioner had submitted application before Divisional Waqf Officer, Kottayam who had also directed the respondent to comply with the order of the Board. The fact that the respondent had not complied with the direction were reported in the news papers also. The respondent appeared and submitted that the petitioner had not pointed out any specific violations so as to

take criminal prosecution against the respondents. At the time of hearing the petitioner submitted that even though meetings were called for after the issuance of stay order in this matter, the petitioners were not permitted to attend the meeting and thereby the respondents had violated the order of the Board. Several other cases are also pending before the Board with regard to the illegal activities of the respondent jama-ath and one such case is O.P.54/2024 in which the petitioner had produced the documents as annexure A7 which is the membership register of the year 1959 and it reveals that they were members as per the said document. It is also seen that after the interim order dated 25-07-2023 general body was conducted and the respondent had not issued notice to the petitioner with an intention to willfully disobey the direction from the Board. On enquiry with the Divisional Office, Kottayam, the Board got the information that they had also directed the respondent committee to permit the petitioners to attend general body which was ignored by the jama-ath committee.

The Board is convinced that the respondent jama-ath committee is following an illegal caste system in the jama-ath by keeping the Barbar community and Labbai community away from participating in the jama-ath activities thereby they are treated as lower class and they were not provided equality in the jama-ath. As far as Islam is concerned people are equal regarding their right to life, property and human dignity regardless of their religion, race, gender or ethnicity. Even after direction from the Board as well as from the Divisional Waqf Officer they are continuing the said system.

In Surah Al-Nisa' verse 4:3 it is stated that

“O you who have faith, stand firm in equity (qist) as witnesses for Allah, even if it were against yourselves, or your parents, or your relatives. Whether rich or poor, Allah is more worthy of both. Follow not your desires, so that you may be just (ta'dilu).”

Also, Prophet Muhammad (Peace be upon him) said:

"O mankind, your Lord is One and your father is one. You all descended from Aadam, and Aadam was created from earth. He is most honored among you in the sight of God who is most upright. No Arab is superior to a non-Arab, no colored person to a white person, or a white person to a colored person except by Taqwa (piety)." [Ahmad and At-Tirmithi]

These two things are foundation of the concept of justice in Islam according to that our standards of justice should be the same for every one regardless their social status, race, religion, ethnicity, gender and so

on. Islam teaches that in the sight of Allah Almighty all people are equal but they are not necessarily identical, but the religion does not treat some person as superior and other inferior on the basis of their abilities, potentials and ambitious, wealth and so on. In such circumstances the act of the respondents are clearly un Islamic and is against the law of land.

Islam does not permit untouchability and differentiating its believers on the basis of caste. Article 14 rejects any type of discrimination based on caste, race, and religion, place of birth or sex. This Article is having a wide ambit and applicability to safeguard the rights of people residing in India. In India, this right is very important because there has been a widespread socio-economic difference which has been in existence from a long time. People have been discriminated on the basis of their gender or the religion they follow, therefore Article 14 was included in the Constitution to remove such inequalities and bring all the people under the equal protection of the law. It is shocking to note that 1400 years back, Islam had putforth this theory of equality among its believers but now the very same community is following the system which is unislamic and unlawful and is continuing it even after direction from this Board. The paper reports produced by the petitioners also revealed that the respondents are continuing the act of discrimination even after specific direction from Board. In such circumstances the Board hereby decides to initiate prosecution action against the respondents under section 61(F) of the Waqf Act,1995. The Divisional Waqf Officer, Kottayam is directed to file prosecution case against the respondents for non compliance of direction from this Board.

5. OP No. 42/2022 Muttom Muslim Jama-ath, Alappuzha

This is a matter in which election is already conducted by Board by appointing a Returning Officer on the basis of a petition filed before the Board. On the basis of the order of the Board the Returning Officer had conducted election and submitted his report. The commissioner filed a memo stating that he had received an initial Batta of Rs.15,000/-. He further stated that the total expenses of the election came to Rs.80500 and after deducting Rs.38,000/- which he had received an amount of Rs.42,500/- is due to him. The Board directed the respondent committee to pay the amount claimed by the commission but they failed to do so and hence the matter was posted for orders.

The committee submitted a reply stating that in addition to the initial batta of Rs.15,000/- an amount of Rs.5000/- was paid twice by the committee and an amount of Rs.34,500/- was collected from the 23

candidates at a rate of Rs.1500/- from each and thereby the Returning Officer had received Rs.54,500/- on account of above duty. They further submitted that as the Jama-ath is facing financial difficulty they prayed to exempt them from payment.

On perusal of the file it is seen that the direction from the Board was to pay the initial batta and the remaining amount that is claimed to be paid is not in records and they had not produced any document to prove that the amount is paid to the Returning Officer. The Board had already passed an order on 17/10/2023 directing the committee to pay the Additional Batta of Rs.42,500/- to the Returning Officer. On 08/11/2023 when the matter came up before the Board the respondent committee sought time for payment and hence the Board had adjourned the matter to 13/12/2023 on which day the respondent was absent and the order was not complied. Eventhough there was a specific direction from the Board to pay the remaining Batta to the commissioner who is a practicing lawyer who had spend hours for conducting election the committee will fully disobeyed the same there by they are liable to be prosecuted under section 61 of the Waqf Act,1995. On the basis of the above finding the Divisional Waqf Officer, Kottayam is directed to file prosecution case against the Office Bearers of Muttom Muslim Jama-ath, Alappuzha for non compliance of direction from Board.

6. OP No. 60/2017 Haji Usman Haji Allarakhiya and Ayoob Haji Abdul Rahiman Trust, Ernakulam

The above OP is filed by the petitioner seeking to appoint him as the mutawalli of the Haji Usman Haji Allah Rakhiya Sait & Ayoob Abdul Rahiman Trust which is registered with the Board as 3326/RA.

Earlier, this O.P. was disposed by the Board on 16.10.2019 directing the Chief Executive Officer to appoint an interim mutawalli and the said order was set aside by the Hon'ble Waqf Tribunal vide its order dtd 27.01.2022 in WOA 213/2019 and further directed the Board to appoint a mutawalli to the waqf within a period of six months from the date of order in this O.A.

The petitioner's case is that, Shri. Hussain Abdul Sathar Sait, father of respondents 1 to 4 and the maternal uncle of the petitioner was the Managing Trustee of the said Trust. The Trust Deed No: 2/1069 M.E. was executed by Ayoob Haji Abdul Rahiman, the great grand father of the parties herein and there is dispute relating to the appointment of mutawalli following the line of succession in terms of the trust deed.

The petitioner is the son of late Asiya Bai, who is the sister of the respondent's father. After the death of respondent's father, Muhammed Hussain Abdul Sathar Sait on 24.12.1977, the 3rd respondent was appointed as mutawalli following the line of succession as per the decision of the Waqf Board dtd 28.01.1978. The Board had also appointed a committee of 7 persons to assist the mutawalli besides two advisors. Being dissatisfied with the appointment of the sub committee and also due to his ailments, the 3rd respondent did not continue to hold the post. Thereafter, the Waqf Board had appointed the petitioner herein as the managing trustee but the Board did not decide how mutawalli is to be appointed in future. Aggrieved by the appointment of the petitioner herein as the managing trustee, the 1st respondent filed complaint before the Waqf Board and other authorities. The matter was also considered by the Government as per the proceedings bearing No:1344/1992 and directed the Board to reconsider the issue of appointment of mutawalli. Dissatisfied with the order of the Government, the petitioner approached the Hon'ble High Court by filing OP 9325/1992. The hon'ble High Court after hearing all the parties concerned passed an order on 26.11.1999 and has stated that the Government had directed the Waqf Board to reconsider the appointment of the successor of Muhammed Hussain Abdul Sathar Sait in accordance with the line of succession followed hitherto from the inception of the Trust and the O.P. was dismissed. Thus, the order passed by Government in Petition No: 1344/1992 attained finality. Thereafter, the 1st respondent herein filed OP 32/1999 before the Board for removal of the petitioner from the post of the Managing trustee and vide order dtd 13.01.2005 the Board removed him from the said post on the finding that it was proved beyond doubt that there is mismanagement of the affairs of the waqf and he has been acting against the interest of the waqf for the past several years and permitting him to continue as the mutawalli / managing trustee of the waqf will be detrimental to the interest of the waqf. Though the petitioner filed appeals against the order of the Board as OA 3/2005 and the OA No: 9/2008, both the appeals were dismissed. Against the same he approached the Hon'ble High Court of Kerala by filing CRP 551/15 and 552/15 respectively and the Hon'ble High Court found that the period of disqualification has already run out and the petitions has become infructuous.

In another proceedings bearing No: E.P. 1650/1992, the Board had entered a finding that it has no jurisdiction to entertain the question of deciding the right of mutawalliship on the ground of jurisdiction.

Subsequently, the 1st respondent herein filed O.S. 39/2009 before the Hon'ble Waqf Tribunal praying for the declaration of mutawalliship and the same was decreed on 30.9.2013 in favour of the 1st respondent . The above decree/judgment was challenged in CRP No:702/2013 and the Hon'ble High Court while disposing the revision petition noted that there is a direction in OP 9325/1992 to the Board to decide the question of mutawalliship taking note of the intention of the waqif.

The main contention raised by the petitioner is that only male members of the family can become mutawalli of the Trust and the respondents contented that the petitioner's mother on her marriage became the member of another family and hence the petitioner cannot make any claim or cannot be considered as descendant of Ayoob Haji Abdul Rahiman Sait.

In WOA 13/2019 ,the Tribunal had observed that the question regarding rival claim of mutawalliship cannot be considered by the Tribunal for the reason that the Hon'ble High Court of Kerala , after hearing the parties concerned, passed a considered order on 26.11.1999 in O.P.No:9325/1992. The Hon'ble High Court has reiterated that the direction given by the Government to the Waqf Board to reconsider the appointment of the successor to the mutawalliship, in accordance with the line of succession. Thus the order passed by Government in petition No: 1344/1992 will come into play and the direction given by the Government to the Waqf Board to reconsider the issue of appointment of mutawalli is only to be complied with. The Tribunal cannot appoint a mutawalli as it is already directed by the Hon'ble High Court of Kerala to appoint a mutawalli by the Waqf Board. The direction to the Waqf Board is to decide the next mutawalli in accordance with the direction given by the Hon'ble High Court ie to decide the next mutawalli in accordance with the intention of the waqif and the custom and practice prevailing.

The Hon'ble High Court in OP No:9325/1992 held as follows:-
“Both the Petitioner and the 9th Respondent(Abdul Sathar Hussain Sait,3rd respondent in this O.P) claimed to be Mutawalli of the Trust. Petitioner (Mohammed Hashim Ismail Sait) claims the office of the mutawalli as one of the lineal descendants of the last Mutawalli under Ext.P2-(Proceedings dtd 02.09.1978 of the Board).It is true that the petitioner is the son of the sister of the previous Mutawalli. The 11th respondent (Smt.H.M. Shamshad) contended that women are not prohibited from appointment as Muthawallies. The Government set aside the order removing the petitioner from Muthawalliship and appointed the

third respondent (C.M. Ibrahim Sait) in his place. The Government directed the second respondent (Waqf Board) to reconsider the appointment of the successor of Mohammed Hussain Abdul Sathat Sait in accordance with the line of succession followed hitherto from the inception of the trust, considering the intention of the founder as per the trust deed executed. If the petitioner is aggrieved by the said decision, he can agitate the same before a civil court”.

So essentially the document itself is to be looked into the gather about the intention of the founder. In the document it is stated as follows:-

“എന്റെ ഈ നിശ്ചയപ്രകാരം നടത്തിവരേ തായി ഞാൻ നിയമിച്ചിരിക്കുന്ന ധർമ്മങ്ങൾ മുടക്കം കൂടാതെ എന്റെ കാലം വരെ ഞാനും പിന്നെ എന്റെ പിൻതുടർച്ചാവകാശികളും നടന്നും നടത്തിയും വരുമെന്നുള്ള നിശ്ചയം ഈ രേഖാമൂലം സ്ഥിരപ്പെടുത്തിയും ഇരിക്കുന്നു”

Hence, from the deed it is clear that till the death of the waqif he has to manage the waqf properties and to do according to the terms and conditions based on the deed and after the death of the waqif the successors of the waqif have got the right to continue the mutawalliship of the waqf property and it buildings.

The petitioner filed argument notes quoting the above direction of the Hon’ble High Court and pointing out that the founder did not nominate any of his son or daughter to perform all acts stated in the document. But he kept the matter in such a way that all successors in interest are brought under the category for discharging the functions stated in the document. Hence under the category of successors in interest all children of Ayoob Haji Abdul Rahiman Sait will come irrespective of male or female. The said Sait was having one son alone who was Abdul Sathar Sait. The said Abdul Sathar Sait was having 3 children and they are Muhammed Kassam, Muhammed Hussain and Asiya Bai. Out of the said 3 children Muhammed Kassam, eldest male son became the Managing Trustee. He was elder to the other 2 children including Asiya Bai and Muhammed Hussain. The said Muhammed Kassam died when he was the Managing Trustee of the Trust. He was having a daughter by name Hairunnisa Bai. After his death, his brother Muhammed Hussain became the Managing Trustee. The said Muhammed Hussain was having 4 children , 3 daughters and one son. The three daughters are Mymoona Bai, Mumthaz and Shamshad. The petitioner further stated that as per the custom followed the male children alone were appointed as Managing Trustee and accordingly on the death of Muhammed Hussain though the said Muhammed Hussain was having

a son by name Abdul Sathar, he did not claim the post of Managing Trustee. Hence, from among the legal successors a male is to be appointed and there was no prohibition under law in appointing a son of a daughter. He also falls under the descendants category and as the custom followed was that males are appointed as Managing Trustee, the petitioner also becomes the Managing Trustee.

Thus the issue to be considered is whether Mohammed Hashim Ismail Sait or H.M. Shamshad is to be taken as the descendant of the original founder from whom, who is to be appointed as the managing Trustee and whether there is any exclusion for the petitioner to be appointed as the Managing Trustee as he being daughter's son. The main contention advanced by respondent is that Petitioner's mother on her marriage become the member of another family and accordingly the petitioner cannot make any claim or cannot be considered as a descendant of Ayoob Haji Abdul Rahiman Sait and also by way of lenial descendants she should be appointed as there is no prohibition in law in appointing a female also as a mutawalli. The petitioner submitted that mutawalliship is an office and not a property to be divided among the share holders and in such case all descendants have equal right. Two sons of Abdul Sathar Sait has already became the Trustees after the death of their father and thereafter Asiya Bai was to be appointed. But as there was no custom or usage appointing a female, petitioner's mother was not appointed as Managing Trustee. In addition to that , the petitioner stated that he being a male and elder descendant of the original founder is the only competent person who can be appointed as managing Trustee and that being a daughter's son there is no remoteness and thereby no exclusion. But in the Government order it is stated that there is no bar in appointing female as a mutawalli. On perusal of file it is seen that prior to the appointment of Shamshad Hussain no female were appointed as mutawalli.

These being the facts, the Board finds that it is not proper to take a decision in this matter utilizing the supervisory power vested with the Board and this is a matter that is to be adjudicated by taking evidence by a proper Civil Court. Subsequent to the decision passed by the Hon'ble High Court in OP No:9325/1992 the legal dictum with regard to the adjudication of rival claims of mutawalli had changed and the Honourable High court had in various cases held that the power of Board under section 32 does not confer adjudicatory power to decide rival claims of mutawalliship. The disputes between the parties in this proceedings is purely of civil nature ie. to decide as to who is the actual

successor of the waqif. The mutawalli could be appointed only after taking a decision in the question as to who the successor of waqif, as ,in the deed it is only stated that mutawalliship is as per succession. Board is vested with supervisory power and can take decision only if there is proper proof as to who is the actual successor but there is nothing before the Board which proves as to who is the actual successor. For that power is vested with the tribunal which is a civil court which take a decision after taking evidences and hence the parties are directed to approach the Waqf Tribunal for taking a decision in this question regarding right of successor ship.

As the continuation of the 1st respondent in the office of the mutawalli is disputed and her right to continue is under question, the Board finds that until a decision is taken by the Tribunal with regard to the person who is eligible to be appointed as mutawalli as the the successor of waqif it is not proper that one of the claimant is continuing in the office of mutawalli without getting an order with regard to her right to continue as mutawalli. Otherwise it will be prejudicial to the interest of other claimants. In such circumstances the Board came to a conclusion that until a decision from the court is received with regard to the eligible person it is proper to carryout administration of the waqf through an officer of the Board so as to avoid further litigations. As the right of the present mutawalli who was earlier appointed by the Board is not established and is also disputed the present mutawalli H.M.Shamshad who was appointed by the Board is removed and Mohammed Assif K.A., Head Clerk, Kerala State Waqf Board is hereby appointed as the Interim Mutawalli of Haji Usman Haji Allah Rakhiya Sait & Ayyob Abdul Rahiman Trust under section 63 of the Waqf Act,1995 until the Tribunal takes a decision as to who is to be appointed as the Mutawalli of the Trust. The interim mutawalli shall take over charge from the 1st respondent immediately and shall administer the waqf as per the provisions of Waqf Act,1995 and corresponding Rules and submit periodic reports before the Board. He shall ensure that the income of the waqf property is utilized as per the intention of the waqif as is mentioned in the deed.

7. OP No. 86/2021 Nannathukav Pothencode Juma Masjid,
Thiruvananthapuram

The above O.P. is filed by the petitioners under sections 32, 69 and 70 of the Waqf Act, 1995 seeking to frame a scheme for the waqf by incorporating necessary amendments in the existing bye-law to conduct

election to the jama-th committee by appointing a returning officer on the basis of the bye-law so amended, to form an adhoc committee including persons admissible to both the parties for carrying out the administration of the waqf, to conduct a over all enquiry with regard to the waqf and for other related reliefs.

According to the petitioner several problems arouse in the waqf due to the one sided and dictatorial attitude of 2nd respondent is continuing in administration of the waqf for the past 11 years. According to the petitioner the respondents had not carried out amendment in bye-law even though they had agreed for the same and not maintaining proper accounts and minutes book in the waqf. The petitioners had pointed out several instances of mismanagement and need for amendment of bye-law and requested the Board to take necessary action on the basis of the petition.

The respondent appeared and denied all the allegations raised by the petitioner and admitted that the present committee came into administration during May, 2019 and 1st petitioner who is the committee member is usually attending the committee meetings and is fully aware about the functioning of the jama-ath. They further submitted that the accounts are audited periodically by the auditors appointed by the Divisional Waqf Officer and the allegations contrary to that was denied. According to them even though returning officer appointed in the year 2020 same could not be effected due to the out break of Covid 19 pandmic. At present there is approved bye-law for the jama-ath and there is provisions for amendment in the bye-law itself and the generala body had decided to conduct a special general body for amendment of bye-law after election. Hence, they requested to dismiss the O.P.

As directed by this Board the Divisional Waqf Officer had depute an officer for conducting enquiry regarding the administration of the waqf and the said officer had reported the complete details regarding the waqf and suggested to appoint a returning officer for conducting election and to take steps for auditing the accounts from 2021-22 to till date as the audit of accounts for the period 2015-16 to 2020-21 is already initiated from the Board. On 14-09-2023 when the matter came up before the Board the petitioner and respondents admitted that the tenure of the committee is already over and hence Board taken the matter for passing order.

From the averments of the petitioners as well as respondents and documents produced by the parties it is clear that at present there is a bye-law for the administration of the waqf and there is no need to frame

a scheme for the administration and if any amendemtn is needed in the said bye-law same can be carried out by placing the matter before the general body. But, at present the term of the committee is expired long back and it is not proper to permit that committee to take steps for amending the bye-law. Hence, Board finds that the amendment can be carried out after conducting an election through a returning officer appointed by the Board. On the basis of above finding the following order is passed:

- a) Adv.M.Ziad, Kollam is appointed as the returning officer for conducting election to the jama-ath through secret ballot system after preparing voters list by following all the procedural formalities. The returning officer shall be entitled for a initial batta of Rs.25.000/- which shall be paid by the jama-ath committee and the expenses for the election shall be met from the jama-ath funds. The returning officer shall be complete the election process and shall hand over the charge within a period of 3 months from the date of receipt of this order.
- b) The newly elected committee shall call for a general body within a period of one month after taking charge and shall take decision with regard to the amendment in the bye-law.
- c) The Divisional Waqf Officer, Thiruvananthapuram is directed to conduct audit of accounts of the waqf for the period 2021-22 to 2023-24 and shall take further action invoking the powers deligated to him and if any action is to be initiated from the Board the matter shall be placed before the Board through administrative side.

8. OP No. 116/2022 Konthalappally Muslim Jama-ath, Idukky
- The main OP is filed by the petitioner in the I.A under section 54, 63 and 32 of the Waqf Act, 1995 seeking to conduct audit of accounts of the Jama-ath for the past 10 years, prepare bye law for the committee, to set aside the implementation of a notice dated 30/06/2022 by the committee, to appoint Executive Officer, to direct not to conduct election without prior permission of the Board, to appoint an Advocate Commission to inspect the Makbhara and take income and for other related reliefs. The present petition is filed by the petitioners seeking to direct the respondent Jama-ath committee to accept the original Demand Drafts produced by the petitioner and issue receipts after encashing the Demand Drafts. The petitioner submitted that they are members of Konthalapalli and were paying monthly contribution to the committee and were issued with the monthly subscription book also. But, now after

issuing document No.4 notice the committee is not accepting monthly subscription from the petitioners. The Board had passed an interim order dated 27-07-2022 restraining the implementation and stayed the operation of notice dated 30-06-2022 which is document No.4. Even though petitioners approached the committee several times to accept the monthly subscription, the committee is refused to accept it and hence the petitioners had submitted original demand drafts in favour of the respondent committee and requested the Board to direct the committee to accept the same and issue receipt after encashing the demand draft. The respondent appeared and submitted that the jama-ath committee had not accepted the amount offered by the petitioners as they are not members of the jama-ath. The respondent had pointed out the details of each petitioners and according to the petitioners most of the petitioners are members of Mecca Masjid which was established 20 years back and Friday juma prayers are also started. According to the respondents the said Mecca Masjid which is situated 5 kilo meters away from Konthala Palli is having its own greave yard and they are issuing membership without relieving certificates. According to the respondents petitioners intention is only to create chaos, disturbance and nuisance in the administration of Konthala Palli.

On perusal of the file it is seen that the notice dated 30/06/2022 which is document no.4 is already stayed by this Board and hence the Jama-ath committee is duty bound to accept the subscription from the petitioners. As per the above mentioned document no.4 it is seen that in the notice it is stated that “മഹല്ലിന്റെ പുറത്തു താമസിക്കുന്ന നിലവിൽ അംഗത്വമുള്ള അംഗങ്ങൾ ഉടൻ വിടുതൽ സർട്ടിഫിക്കറ്റ് വാങ്ങണം എന്ന് അറിയിക്കുന്നു.” From the said statement it is seen that the committee is trying to give compulsory discharge to its members who are residing outside its jurisdiction, but Document no.4 is already stayed and hence the said persons are still members of the Jama-ath and are liable to pay subscription. Hence the present I.A is allowed. Office is directed to forward the DDs attached with this petition to the Jama-ath committee who shall accept the same and submit receipt before the Board in the next posting.

9.	OP No. 118/2023 Thiruvananthapuram Valiya Pally Muslim Jama-ath, Thiruvananthapuram order not ready. Posted to 08.05.2024
10.	OP No. 46/2023 Punukkannoor Muslim Jama-ath, Kollam The main O.P. is filed seeking to conduct audit of accounts of the

1st respondent jama-ath from the period 2010 to till date and if it is found that waqf had incurred any financial loss same is to be recouped from the respondents. Along with the petition I.A.57/2003 was filed seeking to appoint an auditor to audit the accounts of the jama-ath for the period from 2010 and in the said I.A. an order was passed on 08-03-2023 directing the Divisional Waqf Officer to audit the accounts of the waqf from 2016 to 2022. The present I.A. is filed by the petitioner seeking to cancel the order passed in I.A.57/2023 and to pass an order directing the Divisional Waqf Officer, Thiruvananthapuram to audit the accounts of the waqf for the period 10-01-2020 to 31-03-2022. The reason pointed out by the petitioner is that the said jama-ath was registered before the Board only on 15-06-2019 and the registration certificate issued is dated 10-01-2020 and after that all the accounts are kept in a perfect manner in the waqf and the accounts prior to that is not available in the waqf.

The respondent appeared and submitted counter stating that the contention raised by the petitioner that the accounts prior to 2020 is not kept in the jama-ath office is not correct and the same is available in the jama-ath office and only because of the reason that if auditing is conducted from 2016, the corruption carried out in the jama-ath will come to light and 2nd respondent herein is continuing in administration of the jama-ath from the year 2004 and is dealing the jama-ath fund. Hence, the respondent prayed to audit the accounts from 2016.

On perusal of the file it is seen that the contention of the petitioner with regard to the registration of the waqf is true and the Board finds that it proper to audit the accounts after the registration of the waqf with the Board. Hence order passed in I.A.No.57/2023 is modified and the Divisional Waqf Officer, Thiruvananthapuram is directed to conduct audit of accounts of the waqf involved in this matter from the date of registration of the waqf till 28/02/2024 and take further actions on the basis of the powers delegated to him and if any action is to be taken from the side of the Board the D.O shall place the matter before the Board through administrative side.

11. OP No. 26/2022 Ansarul Islam Committee, Palakkad

The petitioner had filed this original petition under sections 32,36,41,70 and 71 of the Waqf Act,1995 seeking correction of Waqf register pertaining to Masjidul Abrar, Palakkad which is a waqf registered with the Board as 9763/RA by incorporating the name of petitioner society in the place of its Mutawalli and the petitioner's

address in the place of its address and also by adding details of properties covered by Doc.Nos. 877/1995 and 162/2009 of Palakkad SRO.

The petitioner society claimed that they were the person who wear administering Masjid Abrar and all documents were in favour of the society . When dispute arose with regard to the administration of the waqf between the petitioner society and a charitable trust by name and Ansarul Islam Charitable Trust the petitioner committee had approach the board and submitted and application for registration on 12/03/2019 with all relevant records. It was only then the petitioner society came to know that by misrepresenting the board the petitioner that the petitioner association and Ansarul Islam Charitable Trust are one and the same by producing fabricated documents the respondent has obtained a registration in respect of the said waqf. Hence the petitioners approached the board by filing this petition for correcting the register by invoking the powers of the board on the ground that all the relevant entry presently made in the waqf register in respect of the waqf is against the waqf deed, registration application and records produced along with the same. Petitioner requested to correct the entries and requested make it in order on the basis of basic records.

The respondent appeared and submitted counter and an additional counter raising the question of maintainability before the board. According to the respondent this board has no jurisdiction to entertain the subject matter involved in this petition as the registration process is completed and same was done after conducting enquiry and it has become final. According to the respondent the only remedy available to the petitioner is to challenge the registration by approaching the waqf tribunal. Respondent submitted that the registration was done after conducting spot enquiry and verifying document and also after hearing all parties who had raised objection. The respondent submitted that the decision to register the waqf has become final and the board cannot review a decision taken from the board and any person who is having objection with regard to any decision taken from the board and the remedy available is to approach waqf Tribunal.

On verification of the file by the Board it is seen that the respondent trust which was formed in the year 2012 had applied for registration of waqf during 2018. It is seen from the documents produced by the petitioner that the properties were purchased in the name of Association and not in the name of trust. But the waqf was registered on the basis of enquiry conducted through an officer of the board who had reported that the trust is administering Masjidul Abrar and the trust had

	<p>produced a one and the same certificate from concerned Village Officer who had reported that Ansarul Islam Association and Masjidul Abrar are one and the same. After registration of the waqf the petitioner Association had approached the Board for registration but same could not be entertained as already registration process was complete. The respondent herein had produced Electricity Bill and water bill of the said waqf which is paid by them. As there is clear dispute with regard to the administration Board finds that this is a civil dispute which can be deecided by Waqf Tribunal and as the registration process is the Board is already over there is no provision to cancel the registration already given and the proper remedy is to file appeal if the petitioner is aggrieved by the order of registration. Matter is disposed of accordingly.</p>
12.	<p>OP No. 192/2023 Ilfathul Islam Sangham (Ponnurunni Jama-ath), Ernakualm For counter of additional respondents. Posted to 24.04.2024</p>
13.	<p>OP No. 128/2022 Vazhalippadam Mahallu Jama-ath, Thrissur For auditors report. Posted to 24.04.2024</p>
14.	<p>OP No. 94/2023 Muhiyudheen Juma Masjid Jama-ath Committee, Madiyoor, Ernakulam For argument notes. Posted to 05.03.2024</p>
15.	<p>OP No. 98/2022 Paimattom Muslim Jama-ath, Ernakulam No representation by the respondent committee. Posted to 24.04.2024</p>
16.	<p>OP No. 218/2023 Muhiyudheen Juma Masjid, Ernakulam Counter 3 and 4 filed in IA No. 197/2023. R5 to R8 also filed. IA No. 198/2023 for counter. IA No. 65/2024 for counter and argument notes. Posted to 05.03.2024</p>
17.	<p>OP No. 64/2022 Thirumala Muslim Jama-ath, Thiruvananthapuram Issue notice. Posted to 24.04.2024</p>
18.	<p>OP No. 208/2023 Kongad Muhiyudheen Sunni Juma Masjid and Assassul Islam Madrassa, Palakkad For proof affidavit. Posted to 24.04.2024</p>
19.	<p>OP No. 214/2023 Kottol Mahal Central Juma Masjid Committee, Thrissur Counter in OP filed. No counter in IA No. 188/2023. Order passed in 17.10.2023 is absolute. For Steps. Posted to 24.04.2024</p>
20.	<p>EP No. 7539/2022 Vaduthala Kottoor Kattupuram Jama-ath, Alappuzha 2,14,18,27,40,53,54,34,42,48,49,11,16,,17,32,39,44,46,41,13,12,46,41, 13,12, appeared in person. Notice to</p>

	6,7,10,12,13,15,19,25,26,30,31,33,35,37,38,39,46,50 served. Await return of notice. 1,3,4,5,8,9,20,21,22,23,24,28,29,36,43,45,51,52. For counter of 2,14,18,27,40,34,42,48,49,11,16,17,32,39,44, appeared through counsel. 46,41,13,12 appeared in person. Issue notice in IA No. 115/2023 and counter. Posted to 24.04.2024
21.	EP (A3) 11333/CR Islamic Dawa Center and Trust, Ernakulam Statement of 8 th respondent filed with copy. For steps. Posted to 24.04.2024
22.	OP No. 60/2023 Pallikkara Muslim Jama-ath, Ernakulam Respondent filed counter. For audit report. Posted to 24.04.2024
23.	OP No. 84/2023 Hidayathul Islam Muslim Jama-ath, Kottayam No representation by the respondents. Name called. Set exparte. For filing exparte affidavit. Posted to 05.03.2024
24.	OP No. 168/2023 Puvathoor Juma-ath Muhiyudheen Masjid, Ernakulam For counter and objection to commission report by the petitioner. Counter filed in OP and objection to commission report. Await audit report. Posted to 24.04.2024
25.	OP No. 160/2023 South Thrithala Juma Masjid, Palakkad Counter of R20 to 23 filed. For steps. Posted to 24.04.2024
26.	OP No. 164/2023 Anchal Muslim Jama-ath, Kollam For counter R1 to R4, R8 to 11 and 15. Fresh notice in correct address and steps. Posted 24.04.2024
27.	OP No. 150/2023 Puthenchira Padinjare Muslim Jama-ath, Thrissur Counter filed in OP and for steps. Posted to 24.04.2024
28.	OP No. 152/2023 Vadakara Muslim Jama-ath, Kottayam R1 filed counter. For counter of R3. Posted to 24.04.2024
29.	OP No. 140/2023 Thattamala Muslim Jama-ath, Kollam Respondents filed counter. For hearing posted to 05.03.2024
30.	OP No. 146/2023 Kuzhikkattumoola Mahallu Muslim Jama-ath, Ernakulam Counter filed. For steps. Posted to 24.04.2024
31.	OP No. 142/2023 Kollakkadav Muslim Jama-ath, Alappuzha For counter. Posted to 24.04.2024
32.	IA No. 132/2023 in OP No. 56/2021 Chettiayangadi Hanafi Sunnath Jama-ath, Thrissur Notice to R1 and R2 returned as not known. Take steps. Posted to 24.04.2024
33.	OP No. 42/2021 Tajul Islam Jama-ath, Kollam For counter of R3. R1,2,4 filed counter. Posted to 24.04.2024

34.	OP No. 26/2021 Umayanalloor Vadakkum Kara Muslim Jama-ath, Kollam For objection to audit report. Posted to 24.04.2024
35.	OP No. 100/2023 Chirayinkeezhu Muslim Jama-ath, Thiruvananthapuram For counter. Posted to 24.04.2024
36.	OP No. 08/2023 Puthoor Pally Muslim Jama-ath, Kottayam Petitioner filed application to receive documents, allowed. For steps and hearing. Posted to 24.04.2024
37.	OP No. 176/2022 Pallikkara Muslim Jama-ath, Ernakulam Not present. Dismissed.
38.	OP No. 188/2022 Kakkattiri Juma Masjid, Palakkad For payment of commission batta. For commission report. Posted to 24.04.2024
39.	OP No. 104/2022 Pathiyasserry Muhiyudheen Juma Masjid, Thrissur For commission report. Posted to 24.04.2024
40.	OP No. 106/2017 Amaravathy Muslim Jama-ath, Ernakulam Petitioner evidence is closed. Pw1 examined. A1 and A2 marked. For affidavit of the respondent. Posted to 24.04.2024
41.	EP No. (A8) 4283/2021/TSR Karakkad Jama-ath Pally, Palakkad For steps. Posted to 24.04.2024
42.	OP No. 96/2022 Vadanappally North Mahallu Jama-ath, Thrissur For statement. Posted to 24.04.2024
43.	EP No. 5771/2019 Edakkazhiyoor Juma-ath Pally, Thrissur Batta paid. Adv. Sajal appeared for party No. 3. For statement of R3 and R4. Posted to 24.04.2024
44.	EP (B5) 867/2016 Aluva Muslim Jama-ath, Ernakulam IA No. 214/2024 to call for records. Petitioners counsel not pressing this application hence closed. IA No. 74/2024 to call for records. Serve copy. Posted to 24.04.2024
45.	OP No. 14/2023 Eravakkad Kamaludheen Juma Masjid Committee, Palakkad Returning officer filed. Election is over. Matter closed.
46.	OP No. 30/2023 Malippuram Sanketham Hajidu Pally Jama-ath, Ernakulam for orders. Posted to 24.04.2024
47.	OP No. 62/2023 Karalikkonam Karakkal Muslim Jama-ath, Kollam R4 filed counter. For counter of R1 to 3. Document filed. Posted to 24.04.2024

48.	OP No. 188/2023 Kattumurakkal Muslim Jama-ath, Thiruvananthapuram Counter in IA No. 164 and 166 filed. IA No. 204/2024 closed. For counter in IA No. 165/2024. Posted to 24.04.2024
49.	OP No. 222/2023 Ettumanoor Athirampuzha Muslim Jama-ath, Kottayam For counter of R11 to R14. For counter of others. Posted to 24.04.2024
50.	OP No. 86/2022 Pezhakkappilly Muslim Jama-ath, Ernakulam For report of returning officer. Posted to 24.04.2024
51.	OP No. 224/2023 Ettumanoor Athirampuzha Muslim Jama-ath, Kottayam For counter. Posted to 24.04.2024
52.	OP No. 48/2018 Pavaratty Town Juma Masjid, Thrissur Adv. Hasna is appointed as commissioner for taking evidence. Batta fixed Rs. 2000/- per witness. Posted for commission report. Posted to 24.04.2024
53.	OP No. 16/2023 Town Juma Masjid, Thrissur For affidavit. Posted to 24.04.2024
54.	EP (A3) 3121/CR Kodikuthumala Muslim Jama-ath, Ernakulam Respondent filed affidavit. For commission report. Posted to 24.04.2024
55.	OP No. 162/2023 Thattamala Muslim Jama-ath, Kollam IA No. 2/2024 no counter. Allowed. Office shall carry out the amendment. For hearing. Posted to 05.03.2024
56.	OP No. 166/2015 Randarkkara Hidayathul Muslimeen Yatheem Khana, Ernakulam Call on 24.04.2024
57.	OP No. 28/2021 Vallakkadav Muslim Jama-ath, Thiruvananthapuram For counter. Posted to 24.04.2024
58.	EP No. 2987/19 Anappuzhakkal Muslim Jama-ath, Kollam For commission report. Posted to 24.04.2024
59.	OP No. 172/2022 Muhiyudeen Juma Masjid, Kottayam For proof affidavit of the petitioner. Posted to 24.04.2024
60.	OP No. 152/2022 Cheruthuruthy Juma Masjid and Madrassa Committee, Thrissur call on 05.03.2024
61.	OP No. 06/2021 Mayyathankara Jama-ath Pally, Palakkad IA No. 9/2024 and IA No. 10/2024 no counter. IA allowed. For chief affidavit of the petitioner. Posted to 24.04.2024
62.	OP No. 228/2023 Masjidu Swahaba Mahallu Committee, Palakkad For counter. Posted to 24.04.2024

63.	OP No. 2/2024 Balaramapuram Town Muslim Jama-ath, Thiruvananthapuram Adv. Jabbar for all respondents. For counter in main OP and IA. Posted to 24.04.2024
64.	OP No. 22/2024 Sangetham Hajeed Pally Jama-ath Committee, Ernakulam Notice to all respondents served. No representation. Name called. Set exparte. For exparte affidavit. Posted to 24.04.2024
65.	OP No. 12/2024 Pezhakkappilly Muslim Jama-ath, Ernakulam Adv. Latheef offered vakkalath for the respondents. For counter. Posted to 24.04.2024
66.	OP No. 272/2023 Punnala Muslim Jama-ath, Kollam Adv. Mohammed ismail for respondent. For counter and mediation. Posted to 24.04.2024
67.	OP No. 4/2024 Ilippakkulam Kattanam Muslim Jama-ath, Alappuzha R1 and R2 Adv. Badarudeen Koya appeared. IA No. 61/2024 correction petition. IA No. 62/2024 not convene public meeting. IA No. 3/2024 for counter. Posted to 24.04.2024
68.	OP No. 126/2022 Mailappoor Muslim Jama-ath, Kollam Counter filed. For hearing. Posted to 05.03.2024
69.	OP No. 220/2023 Manjalloor Kundayam Hanafy Muslim Jama-ath, Kollam Argument notes in IA No. 201/2023 for hearing. Posted to 05.03.2024
70.	OP No. 210/2023 Kottol Mahal Central Juma Masjid Committee, Thrissur Counter filed. For steps. Posted to 24.04.2024
71.	OP No. 58/2023 Malippuram Sankhetham Hajidu Pally Jama-ath Committee, Ernakulam For counter. Posted to 24.04.2024
72.	OP No. 124/2023 Neeravil Muslim Jama-ath, Kollam For counter. Posted to 05.03.2024
73.	OP No. 142/2019 Muhiyudheen Juma Masjid and Hidayathul Islam Madrassa, Kollam Order not ready. Posted to 08.05.2024
74.	EP No. (A8) 4550/2023/TSR Kakkottil Punnappadam Juma-ath Pally, Palakkad For first party Adv. E. S. M. Kabeer. For statement. Posted to 24.04.2024
75.	OP No. 92/2021 Edava Muslim Jama-ath, Thiruvananthapuram Execuitve officer filed report. Executive officer shall prepare the draft

	voters list and afford opportunity to both parties and submit final voters list to the Board. Posted to 24.04.2024.
76.	OP No. 138/2022 Maleriyam Jama-ath Pally, Palakkad For commission report. Posted to 24.04.2024
77.	OP No. 38/2023 Karukaputhoor Mahallu Jama-ath Committee, Palakkad For filing proof affidavit. Posted to 24.04.2024
78.	OP No. 54/2024 Puthoor Pally Muslim Jama-ath, Kottayam Adv. E. S. M. Kabeer appeared for R1 to 3. For counter. Posted to 24.04.2024
79.	OP No. 174/2022 Muhiyudeen Juma Masjid, Kottayam For steps. Posted to 24.04.2024
80.	OP No. 56/2024 Mavalli Muslim Jama-ath, Kollam Issue notice to the respondents. Posted to 24.04.2024 IA No. 57/2024 Heard. The petitioner had made out a prima facie case. The 2 nd respondent is directed to produce the documents listed out in the petition within one month. IA No. 58/2024 Heard. The petitioner had made out a prima facie case. The decision taken by the 1 st respondent council against 1 st petitioner vide Exhibit 2 dated 12.02.2024 is stayed until further orders from the Board.
81.	OP No. 58/2024 Mannar Muslim Jama-ath, Alappuzha Issue notice to the respondents. Posted to 24.04.2024 IA No. 66/2024 Heard. The petitioner had made out a prima faice case. The respondents are hereby directed to provide entire service to the petitioner. Posted to 24.04.2024
82.	OP No. 60/2024 Hyderiyya Masjid Mahall Committee, Thrissur Issue notice to the respondents. Posted to 24.04.2024
83.	OP No. 62/2024 Alappara Muslim Jama-ath, Kottayam Issue notice to the respondents. Posted to 24.04.2024 IA No. 69/2024 Divisional Waqf Officer, Kottayam is directed to dupute an officer for auditing the accounts of the Jama-ath during the period of 2015 to 2023. Posted to 24.04.2024 IA No. 70/2024 Heard. The petitioner had made out a prima facie case and the respondents is directed to admit the children of 1 st and 2 nd petitioner by Aadila Ansary and Ameena Navas into the Madrassa.

84.	<p>OP No. 81/2024 Nesrathul Islam Jama-ath Committee, Kasargode Issue notice to the respondents. Posted to 30.04.2024 IA No. 75/2024 Heard. The petitioner had made out a prima faice case. The respondents are restrained from carrying out construction in 75 cents of Waqf Property lying in Sy No. 150 of padanna village without obtaining prior permission from waqf board.</p>
85.	<p>OP No. 83/2024 Nesrathul Islam Jama-ath Committee, Kasargode Issue notice to the respondents. Posted to 30.04.2024 IA No. 76/2024 Heard. The Petitioner had made out a prima facie case. The respondents are directed not to carry out any construction in the Waqf property in Sy No. 140 of padanna village, Hosdurg Taluk, Kasargode without approval of Board.</p>
86.	<p>OP No. 85/2024 Nesrathul Islam Jama-ath Committee, Kasargode Issue notice to the respondents. Posted to 30.04.2024 IA No. 76/2024 Heard. The Petitioner had made out a prima facie case. The respondents are directed not to carry out any construction in 92 cents of Waqf property lying in Sy No. 141/2B of padanna village without obtaining prior permission from Board.</p>
87.	<p>OP No. 87/2024 Palottpalli Noorul Islam Sabha Mahal Muslim Jama-ath, Kannur Issue notice to the respondent. Posted to 30.04.2024 IA No. 80/2024 The Divisional Waqf Officer, Kannur is directed to audit the accounts of the waqf from the year 2019 to 2023. The Divisional Waqf officer shall complete the process after completion of audit invoking the powers delegated to him. If any further action is to be taken from the Board matter shall be placed before the Board through administrative side. IA No. 81/2024 Heard. The petitioner had made out a prima facie case. The respondents are directed not to conduct election without prior permission of the Board. IA No. 82/2024 Heard. The petitioner had made out a prim facie case. Further action pursuant to document No.2 notice dated 20.02.2024 published against the bye law of the committee is stayed until further orders. IA No. 83/2024 Heard. Petitioner had made out a prima facie case. The respondents is</p>

	hereby directed not to make any amendments in the bye law without giving prior notice with copy of amendments proposed to all the members of the mahal.
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