

A DIARY
Dated: 03.10.2024

1. IA No. 201/2023 in OP No. 220/2023 Manjalloor Kundayam Hanafi Muslim Jama-ath, Kollam

The main O.P is filed by petitioners under Sections 32, 46, 47 and 48 of the Waqf Act, 1995 and Section 26 of the Code of Civil Procedure seeking to cancel the declaration made by the 2nd respondent dated 07.05.2023 expelling the petitioner from the jama-ath paripalana samithi and to re-instate the petitioners in their respective posts in samithy. While the case was pending before the Board the petitioners had filed I.A 201/2023 seeking for a permanent injunction restraining the respondent from appointing other persons in the posts held by the petitioners in the paripalana samithy and also from conducting meetings of jama-ath committee without participating petitioner and not to take any policy decisions.

According to the petitioner the present paripalana samithy was elected by the General Body on 02.10.2022 and the petitioners herein are General Secretary, Vice President, Joint Secretary and committee member respectively elected from the general body. The committee meeting held on 07.05.2023 had removed the petitioners from the said post as well as committee alleging that the petitioners had received some notice from members of Wisdom Organization and photographs of the same was taken. They were removed without notice and the general body had not taken such a decision.

The respondents appeared and submitted counter stating that the petitioners had colluded with mujahid people and tried to inject mujahid ideology in the members of the jama-ath. They were removed from the committee by the general body. They had raised severe allegations against the petitioners and the alleged that the act of the petitioners are against the provisions of the bye-law.

As per the respondents the petitioners had done anti-religious activities. But the respondents failed to prove the said contention. The respondents also failed to prove that the petitioners had done actions which destroys hanafi Madhab and had created alliance with extremist groups and anti-religious forces. Such allegations raised by the respondents are very serious and cannot be entertained even if the petitioners allied with the Mujahid Sect. The action of the respondent is prima facie illegal and hence the Board finds that the I.A is to be allowed. Hence, the respondents are directed not to appoint other persons in the posts held by the petitioners in the paripalana samithy not to conduct any meetings of jama-ath committee without participating petitioners. Even if any persons are appointed to the above mentioned posts while this OP and connected petitions are pending before the Board the said appointments

	stands cancelled and the said action cannot be viewed as proper. I.A is disposed as above.
2.	OP No 216/2023 Kumarapuram Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 20.11.2024
3.	<p>OP No. 02/2022 Pangod Puthen Pally Muslim Jama-ath, Thiruvananthapuram</p> <p>The OP is filed by the petitioners seeking to get an order that the election conducted by respondents 13 to 15 and the list published on 22/07/2021 and declaration that the respondents 3 to 11 are winners of the election is illegal and to set aside the same, to appoint a Returning Officer for conducting election to the Jama-ath, to re-coup the amount expended for conducting the illegal election from the responsible persons and for other related reliefs.</p> <p>According to the petitioners, as per the byelaw of the Jama-ath the governance of the jamaath is by a 11 member body comprising of 8 persons elected on ward basis for 3 years and 3 persons nominated in the general body meeting. A president, a vice president, a general secretary, a treasurer and 1 or more secretaries will be selected from this 11 member body. The petitioner further submitted that as per the byelaws of the waqf, a 3 member election commission is to be formed 1 month prior to the election date comprising of the present secretary and 2 members nominated by the general body meeting. Therefore the respondents 13-15 were selected as election commission members. On 26-03-2021, due to COVID outbreak election was postponed and was decided to continue with the present committee. But respondent no. 14 without conformity to the bye laws of the jamaath declared election. The election declaration was in violation of the clauses pertaining to election in the bye laws. Instead of 8 persons to be elected on ward basis, the election declaration considered only 1 person from 7 wards and more than one persons from highly populated wards.</p> <p>Subsequently the jamaath members filed a complaint before the returning officer, but no action was taken. Hence the beneficiaries of the jamaath filed a suit on 19-07-2021 before the Nedumangad Munsiff Court as OS 382/2021. The petitioner alleged that the respondents fabricated false documents showing that the election was conducted in conformity to the bye laws and submitted it before the court, this forced the petitioners to withdraw OS 382/2021.</p> <p>The petitioner also alleged that in the general body meeting by the newly claimed committee members police assistance was sought due to commotion and the meeting had to be dispersed, that the respondent 12</p>

and 13 fabricated false minutes for the said meeting, that the so claimed newly elected members have not taken oath to their official posts and are continuing in their offices illegally.

The respondents appeared and filed counter denying allegations in the petitioner and contended that in the general body meeting on 26-03-2021 63 members attended and decided to conduct elections. It was also contended that due to the COVID outbreak, election was decided to be conducted in a span of 3 days from 2-3 august 2021, election declaration was published as per the bye laws of the waqf, nominations were accepted from 16-07-2021 till 20-07-2021, the applications were scrutinised on 21-07-2021 and the last date for withdrawal was on 23-07-2021. The respondents also contended that votes were decided to be counted on 05-08-2021 and results to be declared on 06-08-2021 and to include 6 new members from the general body meeting on 06-08-2021. It was also contended by the respondents that if only a single panel is received as acceptable, it was decided to be declared as the elected panel after proper scrutiny and until 20-07-2021 only 1 panel was received and was declared as elected on 21-07-2021.

When the matter was posted for orders an Advocate Commission was appointed and witness from the side of petitioner was examined and there was no representation for the respondents and when the case came up before the Board on 18/10/2024 as there was no representation for the respondents they were set *exparte* and the matter was posted for orders.

In the counter of the respondents it self it is admitted that the term of the committee is 3 years and even if an election is conducted as claimed by them the term ought to have been over. In such circumstances the Board is not going into the merits of the case but the Board is convinced that it is highly necessary to conduct an election to the Jama-ath Committee through secret ballot system by a returning officer appointed by the Board. In the light of the above finding Adv.Nazir Hussain is appointed as Returning Officer for conducting election to the Jama-ath Committee through secret ballot system. The Returning Officer shall conduct the election after following all procedural formalities and shall complete the process within a period of 3 months from the date of this order. The Returning Officer shall be entitled for an initial batta of Rs.25,000/- which shall be paid by the Jama-ath Committee from the date of receipt of this order. The expenses for conducting election shall be met from the JAMA-ath funds. Matter is disposed of accordingly.

4.	OP No. 120/2021 Adoor Muslim Jama-ath, Pathanamthitta Order not ready. Posted to 20.11.2024
5.	OP No. 112/2022 Kilikolloor Siyarathumood Muslim Jama-ath, Kollam Order not ready. Posted to 20.11.2024
6.	OP No. 02/2023 Kilimanoor Central Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 20.11.2024
7.	OP No. 32/2021 Kilikolloor Siyarathumood Muslim Jama-ath, Kollam Order not ready. Posted to 20.11.2024
8.	OP No. 100/2023 Chirayinkeezh Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 20.11.2024
9.	<p>OP No. 180/2023 Kolloorvila Muslim Jama-ath, Kollam</p> <p>The main O.P is filed by the petitioners under section 32,45,63,70 and 71 of the Waqf Act, 1995 seeking to conduct audit of accounts of the 1st respondent jama-ath for the period from 01.10.2016 to 31.08.2023 and to collect the amount of loss incurred from those who are responsible for the alleged loss to the Waqf, appoint an interim muthavalli for the administration and management of the 1st respondent jama-ath until the administration is handed over to a newly elected committee, to conduct an overall enquiry with regard to the administration of the 1st respondent jama-ath and for the other related reliefs.</p> <p>The Board had already passed an order directing the Divisional Waqf Officer to conduct audit of accounts. He shall complete the audit process and shall place the matter before the Board through administrative side if any further action is to be taken from the side of Board. Election to the managing committee of this Jama-ath is conducted through a returning officer appointed by the Tribunal. This case was posted on 06.03.2024 for filing Chief Affidavit of the petitioner, but on that day no Chief Affidavit was filed and the petitioner failed to appear before the Board and there was no representation on behalf of petitioner. Hence, the Board had posted the case for orders. As the petitioner failed to file Chief Affidavit and to appear before the Board for substantiating his case it is to be reasonably presumed that the petitioner is not intending to prosecute the matter further. Hence OP stands dismissed.</p>
10.	OP No. 46/2016 Palod Muslim Samajam, Thiruvananthapuram Order not ready. Posted to 20.11.2024
11.	OP No. 10/2019 Kollam Pattalath Pally, Kollam Order not ready. Posted to 20.11.2024
12.	<p>OP No. 28/2021 Vallakkadv Muslim Jama-ath, Thiruvananthapuram</p> <p>The main O.P had filed by the petitioner under section 32, 46, 47 and 48 of the Waqf Act, 1995 and section 26 of the Code of Civil Procedure seeking for</p>

	<p>an order to depute an auditor for conducting audit of accounts of the 1st respondent jama-ath for the period from 01.01.2012, to recover the loss incurred by the waqf from those who are responsible for the alleged loss and subsequent prosecution proceeding against them, and for such other related reliefs.</p> <p>While the matter was pending before the Board, the petitioner passed away and one Mr. Latheef N.M had filed I.A 109/2022 under Order 1 Rule 10(2) and Section 151 of the Code of Civil Procedure seeking to implead him as the additional petitioner.</p> <p>On 25.07.2023 respondents appeared and filed vakalath through Adv. Muhammed Shafi and the case is posted for counter in main O.P and counter in I.A 109/2022.</p> <p>On 06.05.2024 counsel for the petitioner endorsed that he had no instruction from petitioner. Hence the Board had posted the case for orders. Eventhough the counsel for the petitioner submitted that he is not having instructions from the side of petitioner the Board cannot close this matter blindly as the prayer in the OP is to conduct audit of accounts of the Jama-ath . Hence Divisional Waqf Officer, Thiruvananthapuram is directed to conduct audit of accounts of the Jama-ath for the period 2019-20 to 2023-24. After completion of audit the Divisional Waqf Officer shall call for objection and complete all process in connection with auditing and if any amount is to be recovered from any person the matter shall be placed before the Board through administrative side.</p>
13.	OP No. 14/2020 Chilakkoor Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 20.11.2024
14.	OP No. 26/2021 Umayanalloor Vadakkumkara Muslim Jama-ath, Kollam Order not ready. Posted to 20.11.2024
15.	OP No. 184/2023 Thiruvananthapuram Valiya Pally Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 20.11.2024
16.	OP No. 196/2023 Thiruvananthapuram Valiya Pally Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 20.11.2024
17.	OP No. 118/2023 Thiruvananthapuram Valiya Pally Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 20.11.2024
18.	OP No. 44/2024 Mailappoor Muslim Jama-ath, Kollam The main O.P is filed by petitioners under Sections 32, 70 and 71 of the Waqf Act, 1995 seeking reliefs of; (1) to appoint a returning officer to conduct an

election through secret ballot paper, (2) to audit the income and expenditure accounts of the 1st respondent mahallu for the period of 2015 to 2023 and the loss if any found to be caused to the waqf may be ordered to be recovered from the managing committee of the 1st respondent of the relevant period, (3) conduct an overall enquiry as to the administration of the 1st respondent waqf and ensure that the same is properly managed and all the institutions under the same is properly maintained, (4) to frame a scheme for the election affairs of the 1st respondent waqf jama-ath in the absence of a registered bye-law, (5) to permit the petitioners to submit a proposal for framing scheme and for other related reliefs.

While the said matter was pending before the Board, the petitioners herein had filed I.A.48/2024 seeking to frame a scheme for the election affairs of the 1st respondent as there is no registered bye-law of the jama-ath and I.A. 49/2024 for appointing a returning officer for conducting election to the jama-ath committee. The petitioners herein had approached the Hon'ble High court of Kerala and the Hon'ble court was pleased to direct the Board to pass order in both the above I.A.s within a time frame. In a connected matter that there is no written and recognized bye-law in the said jama-ath. The Board in its meeting held on 11-07-2024 had heard the matters together and decided to frame a scheme for the administration of the jama-ath under section 69 of the Waqf Act and draft scheme was framed by the Board and was published the same in the notice board of the Waqf as well as the notice board of the Board. On 05-09-2024 when the matter came up before the Board objections were received from respondents 1 to 9 as well as from one Muhammed Sherif and from one Basheer Kutty. The Board had considered the objections and had finalised the scheme as provided under section 69 of the Waqf Act, 1995 and the said scheme shall form part of this order and the same shall be published in the notice board of the jama-ath as well as the notice board of the Board. Also, the Board hereby decides to conduct election to the jama-ath committee as per the provisions of the newly finalized scheme. Adv. Muhammed Shafi, Ernakulam is appointed as returning officer for conducting election to the jama-ath committee through secret ballot system on the basis of the newly framed scheme. He shall comply with all the procedural formalities before conducting election and shall complete the election process within a period of three months from the date of this order. He is entitled for an initial batta of Rs.25,000/- which shall be paid by the jama-ath committee within a period of 15 days from the date of receipt of the order. The remaining expenses for the election shall be met from the jama-ath funds.

19.	OP No. 10/2015 Rifayee Juma Masjid, Kollam IA No. 308/2024 for auditing. Copy given. For counter. Posted to 20.11.2024
20.	EP No. 2987/2019/TVM Anappuzhakkal Muslim Jama-ath, Kollam For chief affidavit of R1 and R2. Posted to 20.11.2024

21.	OP No. 146/2017 Vanmeni Muslim Jama-ath, Kollam Records received. Put up with Tribunal order. Posted to 20.11.2024a
22.	OP No. 42/2021 Thajul Islam Jama-ath, Kollam IA No. 260/2024 Heard. Allowed. Office is directed to carry out amendment. For steps. Posted to 20.11.2024
23.	OP No. 68/2021 Pallisserikal Muslim Jama-ath, Kollam For argument notes of R1 and R2. Posted to 20.11.2024
24.	OP No. 04/2022 Pangod Puthen Pally Muslim Jama-ath, Thiruvananthapuram order pronounced in OP No. 02/2022 which is a connected matter. Call on 20.11.2024
25.	OP No. 14/2022 Manakkad Valiya Pally Muslim Jama-ath, Thiruvananthapuram For chief affidavit. Posted to 20.11.2024
26.	OP No. 164/2022 Karamana Muslim Jama-ath, Thiruvananthapuram For razi. Posted to 20.11.2024
27.	IA No. 229/2022 in OP No. 68/2013 Ochira Thanveerul Islam Sangham, Kollam amendment carried out. Pay batta. Posted to 20.11.2024
28.	OP No. 46/2022 Peyad Hidayathul Islam Muslim Jama-ath, Thiruvananthapuram No representation by the petitioner. Petitioners evidence closed. For the chief affidavit by the respondents. Posted to 20.11.2024.
29.	OP No. 164/2023 Anchal Muslim Jama-ath, Kollam IA No. 307/2024 to produce documents. Posted to 20.11.2024
30.	OP No. 62/2023 Karalikkonam Karakkal Muslim Jama-ath, Kollam Copy served. IA No. 312/2024 amendment application. For counter in IA No. 312/2024. Posted to 20.11.2024
31.	OP No. 188/2023 Kattumurakkal Muslim Jama-ath, Thiruvananthapuram For counter in IA No. 258/2024. Posted to 20.11.2024
32.	OP No. 248/2023 Manakkattupuzha Muslim Jama-ath, Kollam For orders. Posted to 20.11.2024
33.	OP No. 170/2023 Sayed Usman Sahib Memorial Madrassa Masjid Noor Ul Islam Association, Thiruvananthapuram No oral evidence for the respondent. For argument notes. Posted to 20.11.2024
34.	OP No. 240/2023 N. M. A. Hanafi Jama-ath, Kollam IA No. 164/2024 to prevent, Counter filed. IA No. 257/2023 for service, counter filed. IA No. 165/2024 prosecution, Counter filed. IA No.

	261/2024 suspension. For hearing of IA's. Posted to 20.11.2024
35.	OP No. 02/2021 Kilikolloor Valya Pally Muslim Jama-ath, Kollam Notice to supplementary respondents served. For appearance of interim muthawalli. Posted to 20.11.2024
36.	OP No. 182/2023 Palayam Muslim Jama-ath, Thiruvananthapuram For filing chief affidavit. Posted to 20.11.2024
37.	IA No. 245/2023 in EP No. 2492/2018 Polayathode Pareethiya Muslim Jama-ath, Kollam For filing proof affidavit of the petitioner. Posted to 20.11.2024
38.	OP No. 128/2023 Kappukad Muslim Jama-ath, Thiruvananthapuram No steps taken. For filing chief affidavit. Posted to 20.11.2024
39.	OP No. 10/2024 Paravoor Muslim Jama-ath, Kollam Audit fees paid. Issue direction to the returning officer to conduct election on the byelaw clause No. 51. Respondent committee is directed to handover membership register within 10 days. Intimate SP Kollam to render police assistance to the Returning officer. For report of the Returning officer. Posted to 20.11.2024
40.	OP No. 42/2024 North Mynagappally Muslim Jama-ath, Kollam No steps taken. For chief affidavit of the Petitioner. Posted to 20.11.2024
41.	OP No. 142/2024 Paravoor Muslim Jama-ath, Kollam IA No. 142/2024 to delete the 2 nd respondent from party array. For counter in IA and Counter in OP. Posted to 20.11.2024
42.	OP No. 140/2024 Kilikolloor Thekkumkara Muslim Jama-ath Committee, Kollam For counter in IA No. 212/2024 and counter in OP. Posted to 20.11.2024
43.	OP No. 144/2024 Vakkam Kizhakke Muslim Jama-ath, Thiruvananthapuram For counter in IA No. 215/2024, for counter in IA No. 309/2024, for counter in IA No. 310/2024. For counter and hearing. Posted to 09.10.2024 at ernakulam
44.	OP No. 116/2024 Nemom Muslim Jama-ath, Thiruvananthapuram No representation by R1, R2 and R3. Name called. Set exparte. For filing exparte affidavit. Posted to 20.11.2024
45.	OP No. 112/2024 Chinnakkada Muslim Jama-ath, Kollam Vakkalath for petitioner filed by Adv. Bushra Haris. Vakkalath for R4 and R7. Issue notice. Posted to 20.11.2024
46.	OP No. 114/2024 Aayiramthengu Muslim Jama-ath, Kollam Counter in IA No. 168/2024, 169/2024 & 171/2024 filed. For counter in OP. The respondent committee has not complied the direction in IA No.

	171/2024. Call on 20.11.2024
47.	OP No. 90/2024 Kilikolloor Thekkumkara Muslim Jama-ath, Kollam For counter of R12, 14, 15, 16, 17 already filed. For counter of R1 to 11 and 13. Posted to 20.11.2024
48.	OP No. 108/2024 Kurinjilakkode Muslim Jama-ath, Thiruvananthapuram Returning officer represented. Returning officer reports the election is over. For report of the returning officer. Posted to 20.11.2024
49.	OP No. 48/2024 Kilikolloor Thekkumkara Muslim Jama-ath Committee, Kollam Returning officer report submitted in OP No. 10/2023 has put up. Produce minutes of the committee. Posted to 20.11.2024
50.	OP No. 108/2023 Vakkam Padinjare Muslim Jama-ath, Thiruvananthapuram Counter in IA No. 167/2024 filed. Issue notice to the Returning officer for personal appearance. For hearing in IA No. 166/2024 and IA No. 167/2024. Posted to 20.11.2024
51.	OP No. 126/2022 Mylapore Muslim Jama-ath, Kollam For orders. Posted to 20.11.2024
52.	OP No. 56/2023 Kattumurakkal Muslim Jama-ath, Thiruvananthapuram For steps. Posted to 20.11.2024
53.	OP No. 102/2021 Nannathukav Pothenkode Muslim Jama-ath, Thiruvananthapuram No instruction reported by the respondents. Set exparte. For orders. Posted to 20.11.2024
54.	OP No. 160/2024 Punukkannoor Muslim Jama-ath, Kollam For counter R1 to R3 in IA No. 255/2024, for counter in IA No. 268/2024, For counter in IA No. 256/2024. For counter and hearing. Posted to 20.11.2024
55.	OP No. 124/2023 Neeravil Muslim Jama-ath, Kollam cost paid. Memo filed. Counter in OP filed. For counter in IA No. 259/2024. Pay audit fee by the respondents within one week. Posted to 20.11.2024
56.	OP No. 182/2024 Poonthura Puthen Pally Muslim Jama-ath, Thiruvananthapuram For all respondents adv. Rubeena filed vakkalath. Serve correct and proper copy of the petition. For counter. Posted to 20.11.2024
57.	OP No. 162/2024 Muthirapparamb Muslim Jama-ath, Kollam Notice returned. Issue notice in correct address. Posted to 20.11.2024
58.	OP No. 166/2024 Thajul Islam Jama-ath, Kollam

	Adv. Sikkandar offered vakkalath for all respondents. For counter and hearing and appearance of the parties. Posted to 20.11.2024
59.	OP No. 168/2024 Thadikkad Muslim Jama-ath, Kollam Adv. Sajal offered vakkalath for all respondents. For coutner. Posted to 20.11.2024
60.	OP No. 92/2021 Edava Muslim Jama-ath, Thiruvananthapuram for production of the high court order. Posted to 09.10.2024
61.	EP No. 4295/24/TVM Noorul Islam Jama-ath, Thiruvananthapuram Notice served. Respondnets appeared in person. Production of receipt of payment. Posted to 20.11.2024
62.	EP No. 4963/2024/TVM Karunagappally Muslim Jama-ath, Kollam call on 20.11.2024
63.	OP No. 190/2024 Karakulam Muslim Jama-ath, Thiruvananthapuram R3 and R6 appeared in person. Call on 20.11.2024
64.	OP No. 233/2024 Chombal Kunjippally, Kozhikode IA No. 471/2024 Heard to the parties. At present there is no document to prove that there is financial mismanagement done by respondents. The accounts of the Jama-ath is passed by the general body of the Jama-ath as per the bye law of the Jama-ath in the presence of an officer deputed by the Board. Hence IA cannot be entertained by the Board. IA No. 472/2024 Heard the both the parties and perused the documents. The returning officer had already initial election process and is in the final stage. The accounts of the Jama-ath is already passed by the general body in the presence of the observer of the Board. In such circumstances the IA cannot be entertained and stands dismissed.
65.	OP No. 231/2024 Chombal Kunjippally Paripalana Committee, Kozhikode Heard both the parties and perused the documents. The main allegation of the petitioner is regarding preparation of voters list. The document No. 9 produced is the draft voters list and document No. 10 is an objection to draft voters list and there is a final voters list also. From that it is clear that objection was called for and opportunity was afforded to parties to submit their objection. Returning officer reported that final voters list was also published. It is also seen that petitioners 1 and 2 are also included in voters list. Hence it is seen that there is no boundaries in the allegations in the petition. Also, Board had appointed 2 observer for observing the conduct of election. In such circumstances, the Board finds that there is no reason to interfere in the election process initiated by the

	Returning officer. IA is closed accordingly.
66.	<p>OP No. 285/2024 Elayavoor Manarul Huda Muslim Jama-ath Committee, Kannur</p> <p>On the basis of the High court order in WP C No. 32620/2024 the Returning officer is directed to declare that the election result and convene the meeting of elected members for electing office bearers within a week and to take further action so as to hand over charge to the newly elected committee.</p>
67.	<p>OP No. 192/2024 Darussalam Juma Masjid, Karunagappally, Kollam</p> <p>Issue notice to the respondents. Posted to 20.11.2024</p>
68.	<p>OP No. 194/2024 Kaduvinal Muslim Jama-ath, Alappuzha</p> <p>Issue notice to the respondents. Posted to 06.11.2024</p> <p>IA No. 313/2024</p> <p>Divisional Waqf Officer, Kottayam is directed to audit the accounts of the Waqf from 2016-2017 to 2023-2024. After receiving audit report the Divisional Waqf Officer shall call for objection and shall take necessary steps for curing the defects pointed out in the audit report. If any amount is to be recovered on the basis of the audit report matter shall be placed before the Board through administrative side.</p> <p>IA No. 314/2024</p> <p>Heard. The Petitioner had made out a prima facie case. The respondents are directed not to take any policy decision in connection with the 1st respondent waqf.</p> <p>IA No. 315/2024</p> <p>Heard. The Petitioner had made out a prima facie case. The respondents are directed not to carry out any construction without prior permission of the Board.</p>