

A DIARY
Dated: 09.10.2024

1.	OP No. 116/2022 Konthalappally Juma Masjid, Idukky Order not ready. Posted to 06.11.2024
2.	OP No. 212/2023 Anwar Masjid, Thrissur Order not ready. Posted to 06.11.2024
3.	OP No. 252/2023 Meppara Jama-ath Mosque, Palakkad Order not ready. Posted to 06.11.2024
4.	EP No. 4270/2023 Munavvirul Islam Mahallu Committee, Palakkad order not ready. Posted to 06.11.2024
5.	OP No. 128/2024 Thottathumpady Muslim Jama-ath, Ernakulam Order not ready. Posted to 06.11.2024
6.	<p>AA No. 122/2024 Ismail Sait Thaikkavu, Ernakulam</p> <p>Present appeal is filed by the Secretary of Ismail Sait Thaikkavu, Ernakulam under section 72(7) of the Waqf Act, 1995 seeking to set aside the assessment of the order passed by the assessing authority for the assessment year 2014-15 to 2019-2020 pass a fresh order in this regard. The appelland had remitted the 1/3rd of the disputed of amount for the year 2014-15 to 2019-2020 as provide under the Kerala Waqf Rules.</p> <p>The averment in the appeal memorandum is that the failure of submission of accounts of the waqf is not willfull, that the waqf is not having sufficient funds for remitting the contribution and the main source of income is the donations from the mahal members and prayed for pardon for the non submission of accounts before Board. Hence, they approached this appellate authority seeking to set aside the order of assessment passed by the Assessing Authority and to exempt from remitting the amount so assessed.</p> <p>On verification of the office records, it is seen that Best Judgment Assessment was made as the committee administering the waqf failed to submit the accounts before the Board as contemplated under the Waqf Act and the waqf failed to remit the contribution amount due. Even though several notices directing to submit accounts were issued to the Jama-ath, it failed to submit</p>

	<p>accounts in time. In the above circumstances, the assessing authority has assessed the waqf on best judgment basis for the disputed period.</p> <p>On going through the above facts and circumstances, the Board is of the opinion that one more opportunity can be given to the appellant to prove the contentions raised in the appeal. The assessing authority is directed to re-assess the accounts of the waqf for the appeal period in accordance with the Act, Rules and Regulations, after considering the returns submitted along with the appeal memorandum. If the assessing authority is not satisfied with the accounts submitted along with this appeal, the authority is free to call for the supporting books and documents and conduct audit of accounts if found necessary.</p> <p>The present appeal is disposed of with the above direction.</p>
7.	OP No. 40/2014 Mulavoor Central Jama-ath Pally, Ernakulam Order not ready. Posted to 06.11.2024
8.	OP No. 218/2023 Muhiyudheen Juma Masjid, Ernakulam Order not ready. Posted to 06.11.2024
9.	<p>OP No. 3293/CR Petta Muslim Jama-ath, Ernakulam</p> <p>This Enquiry Proceedings was initiated on the basis of the judgment of the Hon'ble Waqf Tribunal, Kozhikode in WOA No.5/2019 dated 27-04-2021. As per the above judgment the Hon'ble Waqf Tribunal had set aside the order of the Board dated 20-02-2019 by which draft scheme is approved by the Board and the Hon'ble Waqf Tribunal had remanded the matter to the Board for fresh consideration.</p> <p>On the basis of the order of the Tribunal, the Board had issued notices to the concerned parties and initially matter was posted for mediation. Even though mediation talks were conducted on several occasions that was not fruitful. On 20-12-2022 the 1st party filed statement elaborating the facts and circumstances which led to this matter. While allowing the appeal the Hon'ble Waqf Tribunal observed that the interest of the appellant as well as the local Muslims who are coming to the mosque and the children studying in the madrasa are to be protected and the objective of the appellant waqf as intended by the waqif will not be a bar for arranging and setting aside the property for the enjoyment of the 1st respondent waqf and adequate and just representation for the appellant in the managing committee is to be</p>

	<p>provided.</p> <p>On perusal of the file, it is seen that the mosque which is situated in the said waqf property is a namaskara palli established more than hundred years ago. The mosque started functioning in the malikappura of Kochi Kovilakam situated in a landed property of 23.5 cents. On the basis of a registered Patta Cheet bearing No.491/1091 of SRO, Ernakulam executed by the Kovilakam in favour of one Yousuf the above said 23.5 cents of property and Malikapura came in to the possession of the waqf. The mutation of the said property was in the name of Karothparambu Madathil Sankaran Subramanian. Due to the financial vulnerability of muslim persons residing in the locality they could not complete the execution of the deed by paying the required amount to Karothparambu Madathil Sankaran Subramanian. In such circumstances, Abdul Sathar Haji Moosa Sait Dharmastapanam has expended money as per the stipulations in their waqf deed and registered the deed bearing No.617/1115 of Kochi SRO and transferred all the leasehold rights of Kovilakam to the muslims in the locality. The muslim persons residing near Petta Namaskarapalli had converted the Niskara Palli as a Jama-ath Palli and reconstructed the mosque and conducted prayers without any break. Till date Petta Palli is administered by the members of Poonithura Petta Mahallu jama-ath. Both the parties were provided opportunities to put forth their suggestions regarding the draft scheme and both had submitted suggestions. The waqf involved in this matter is registered with the Board as 3293/RA in the name Poonithura Petta Mahallu Jama-ath. The said registration was done on the basis of the survey commission report dated 29-04-1981. The managing trustee of the dharmasthapanam had put forth a suggestion to change the name of waqf as Abdul Sathar Haji Moosa Sait Juma Masjid. The name Poonithura Petta Mahallu Jama-th is entered in the waqf register and the said waqf is known in that name from the initial stage. But, taking into consideration of the help put forth by Abdul Sathar Haji Moosa Sait Dharmasthapanam in obtaining the said property the Board decided to change the name of the waqf as Abdul Sathar Haji Moosa Sait Poonithura Petta Mahallu Muslim Jama-ath. After considering the objections of both the parties, the Board had finalized the scheme incorporating certain changes on the basis of suggestions put forth by the parties. The finalized scheme shall form part of this order and same shall be published as per section 69 of the Waqf Act, 1995 by the Divisional Waqf Officer, Ernakulam. Matter is disposed of accordingly.</p>
10.	EP No. 3300/CR Abdul Sathar Haji Moosa Sait Dharmastapanam, Ernakulam

	Order not ready. Posted to 06.11.2024
11.	<p>EP No. 1942/2005 Jamia Juma Masjid Jama-ath Committee, Palakkad</p> <p>The Enquiry proceedings was earlier closed by the Board directing the Divsional Waqf Officer, Thrissur to register 1.46 acres of land in the name of Sayed Muhammed Siyavudheen who is one of the application for registering the waqf with the Board. Aggrieved by the order the 1st party herein had filed appeal nos. WOA No.194/19 and WOA No.51/20 which was allowed by the Tribunal. By the above said order the Learned Waqf Tribunal had set aside the order passed by the Board in this and had rejected the application submitted by the 2nd party herein in respect of 1 acre 46 cents of land and directed the Board to register the same in the name of the 1st party herein as per the application. It was further directed by the Tribunal that the question whether the remaining extend of land mentioned in the application is a waqf property or not and as to whether it is to be entered in the waqf register shall be decided by the Waqf Board after hearing both the parties.</p> <p>The 1st party submitted in argument that the entire waqf property is having an extend of 3.70 acres and is lying contiguously as a single plot and bounded in all four sides by a well demarcated boundary wall and iron bamboo fence. The Juma Masjid building, maqbara, madrassa, pond and Khabarsthan is in the said property and is in the administration of 1st party from time immemorial. There is no demarcation of original waqf used as single unit from time immemorial from the subsequent additions and accretions admeasuring 2.24 acres and the entire 3.70 acres is used as single unit from time immemorial and Jamiya JUma Masjid committee is having right to administer the</p>

	<p>same.</p> <p>The 2nd party submitted that all the decisions from various courts are only with regard to 1 acre 46 cents of land and the administration of the waqf. They further submitted that against the order of Waqf Tribunal two CRPs bearing numbers CRP(wakf) 33/20, and 34/20 are pending before the Honourable High Court of Kerala. They claimed that the property involved is family property of labbai family. They further submitted that several litigations are pending before various courts and requested to take a decision only after disposal of the same.</p> <p>It is seen that several litigations are pending before various authorities including the Honourable High Court of Kerala with regard to the properties involved in this matter. Hence if a decision is taken at this juncture it may result in multiplicity of proceedings. Hence this matter is closed temporarily with a direction to the office to place this matter before the Board for further consideration after disposal of the CRPs mentioned above.</p>
12.	<p>OP No. 102/2023 Chunakkara Thekku Muslim Jama-ath, Alappuzha</p> <p>The main O.P is filed by the petitioners under section 32 of the Waqf Act, 1995 seeking for an order to produce 682 ballot papers and other documents related to counting of the election dated 18.02.2023 before this Board, to recount 682 votes in Ward No. 11, 14, 16 under the supervision of this Board, to declare the election as well as not to take any policy decisions till the declaration of results and other related reliefs. They submitted that the ballot paper used in the election is not the one compared to the model ballot paper and there is no sufficient</p>

space to exercise the franchise.

1st Respondent returning officer filed counter and he vehemently objected the O.P. He submitted that the committee members had not co-operated with the 1st respondent returning officer in the conduct of election by raising untenable objections and the obstructions have been reported before this Board in time by filing interim report, thereupon this Board issued direction to the committee to co-operate with the returning officer. He added that instead of complying direction of this Board, President of the jama-ath informed the 1st respondent returning officer by a letter that the formation of wards and preparation of voters list was not completed and requested for 2 months time to complete the process. He argued that the allegation regarding the ballot paper's size is absolutely false and sufficient space was there in the ballot paper with equal proportion in between the lines. He submitted that there is no irregularity in the election and he is ready to produce the entire election records if it directs. Respondent nos. 2 to 7 also filed objection and they vehemently objected the prayers in the O.P.

Petitioners had also filed I.A No. 88/2023 seeking to recount votes in Ward No. 11, 14, 16 and to declare the election as well as not to take any policy decisions till the declaration of results and other related reliefs.

The returning officer had submitted his reports before the Board clearly incorporating all details and the petitioner is not having a case that they had submitted application before the returning officer for recounting and it was not considered. Without submitting such an application the petitioners cannot approached the Board on an after

	<p>thought after several months of completion of election process. From the file it is evident that the election is over on 18-02-2023 and the petition is filed before the Board on 18-05-2023 ie., three months after the completion of election. No proper reason to answer the non submission of application for recounting before the returning officer and the delay in filing the present petition is submitted by the petitioners before the Board. In such circumstances, the Board finds that there is no merit in this O.P. and hence same stands dismissed.</p>
13.	<p>OP No. 120/2023 Mattummal Mahallu Jama-ath Pally Committee, Thrissur</p> <p>The main OP is filed by the petitioner under section 32, 70 and 71 of the Waqf Act, 1995 seeking for a direction to the 2nd respondent to conduct a general body meeting of the jama-ath members for the establishment of a construction committee including participation of Board members, school teachers and other mahal members for the newly constructed building of Hidayathul Avaam Mappila L P School. On 08.05.2024 respondents appeared and filed objection. They argued that as per Section 4 of the constitution of the Meppadi Mattummal Mahal Committee, the mahal committee is the sovereign authority of the schools running under them. It is further informed that, the management of the school is vested in a 7 members group selected from the executive committee consisting of 21 members of the 1st respondent committee.</p> <p>While the matter was pending before the Board, the petitioner in the main O.P had filed I.A 102/2023 seeking for a direction to the 2nd respondent to conduct a general body meeting of the jama-ath members for the establishment of a construction committee including participation of Board members, school teachers and other mahal</p>

	<p>members for the newly constructed building of Hidayathul Avaam Mappila L P School. On 13.12.2023 respondents filed counter to the I.A. They submitted that the petitioner, who has caused huge financial losses to the school under the Mahal Committee and has conducted cases using the funds of the school, cannot be a member of the construction committee under any circumstances and they objected the I.A.</p> <p>The Board discussed the matter in detail and it is found that there is a Mahal Managing Committee and Committee for school elected by the Mahal Management Committee. The powers of the above mentioned committees are clearly mentioned in the bye law of the JAma-ath. Unwanted interference of the Board into the powers of the management committee is not fair and it is not proper also. If any construction committee needs to be formed same can be decided by the General Body of the JAma-ath and the managing committee. If there is any dispute with regard to the conduct of general body or committee they can seek Police protection also. Hence the OP and IA stands dismissed.</p>
14.	<p>OP No. 146/2023 Kuzhikkattumoola Mahallu Muslim Jama-ath, Ernakulam</p> <p>The main O.P is filed by the petitioners under section 64 of the Waqf Act, 1995 seeking to declare that the 2nd respondent is not fit to hold the office as mutawalli of the 1st respondent jama-ath, pass an order removing the 2nd respondent from the post of mutawalli of the 1st respondent jama-ath permanently and for other related reliefs. While the matter was pending before the Board, the petitioners had also filed I.A 203/2023 under section 32 of the Waqf Act seeking to pass an interim order removing the 2nd respondent from the post of mutavalli of the 1st respondent jama-ath permanently at the earliest in the interest of</p>

	<p>justice. They argued that the 2nd respondent mutawalli is not properly looking after the affairs of the waqf and had raised allegations against the mutawalli appointed by the Board.</p> <p>On 13.12.2023 respondents appeared and filed objection to the O.P and counter to the I.A 203/2023 and they vehemently objected the prayers in the O.P and I.A. While this matter was pending before the Board the interim mutawalli had submitted his resignation and the petition has become infructuous. As the interim mutawalli had tendered his resignation and there is dispute with regard to the administration of the waqf which is not yet resolved another suitable person is to be appointed as the Interim Mutawalli of the waqf for its proper management. Hence, Adv.Sajal Ibrahim is appointed as the Interim Mutawalli of Kuzhikkaattumoola Muslim Jama-ath for carrying out the administration of the JAmath in a proper and legal manner as per the provisions of the Waqf Act and bye law of the Jama-ath. The Interim Mutawalli shall be entitled for a monthly remuneration of Rs.20,000/- which shall be drawn from the Jama-ath funds. He shall submit periodic reports before the Board and shall obtain necessary directions from the Chief Executive Officer as and when necessary. OP is disposed of accordingly.</p>
15.	<p>AA No. 110/2024 Thajul Ma Arif Madrassa and Arabic College, Ernakulam</p> <p>Present appeal is filed by the Secretary of Thajul Maarif Madrassa and Arabic College, Ernakulam under section 72(7) of the Waqf Act, 1995 seeking to set aside the assessment of the order passed by the assessing authority for the assessment year 2020-2021 to 2022-2023 and to pass a fresh order in this regard. The appellant had remitted the 1/3rd of the disputed of amount for the</p>

	<p>year 2020-2021 to 2022-2023 as provide under the Kerala Waqf Rules.</p> <p>The averment in the appeal memorandum is that the failure of submission of accounts of the waqf is due to Covid -19 pandemic situation and prayed for pardon for the non submission of accounts before Board. Hence, they approached this appellate authority seeking to set aside the order of assessment passed by the Assessing Authority and to exempt from remitting the amount so assessed.</p> <p>On verification of the office records, it is seen that Best Judgment Assessment was made as the committee administering the waqf failed to submit the accounts before the Board as contemplated under the Waqf Act and the waqf failed to remit the contribution amount due. Even though several notices directing to submit accounts were issued to the Jama-ath, it failed to submit accounts in time. In the above circumstances, the assessing authority has assessed the waqf on best judgment basis for the disputed period.</p> <p>On going through the above facts and circumstances, the Board is of the opinion that one more opportunity can be given to the appellant to prove the contentions raised in the appeal. The assessing authority is directed to re-assess the accounts of the waqf for the appeal period in accordance with the Act, Rules and Regulations, after considering the returns submitted along with the appeal memorandum. If the assessing authority is not satisfied with the accounts submitted along with this appeal, the authority is free to call for the supporting books and documents and conduct audit of accounts if found necessary.</p> <p>The present appeal is disposed of with the above direction.</p>
16.	OP No. 06/2024 Puthoor Pally Muslim Jama-ath, Kottayam Order not ready. Posted to 06.11.2024
17.	OP No. 108/2017 Chuloor Muslim Jama-ath, Thrissur Order not ready. Posted to 06.11.2024
18.	OP No. 06/2021 Mayyathankara Jama-ath Pally, Palakkad

	Common order passed in EP No. 4645/CR
19.	OP No. 236/2023 Vazhoor Muslim Jama-ath, Kottayam Order not ready. Posted to 06.11.2024
20.	OP No. 62/2022 Amayoor Juma Masjid, Palakkad Order not ready. Posted to 06.11.2024
21.	OP No. 122/2023 Kuttulanji Methala Muhiyudheen Juma Masjid, Ernakulam Order not ready. Posted to 06.11.2024
22.	OP No. 110/2023 Kilikolloor Valiya Pally Muslim Jama-ath, Kollam Order not ready. Posted to 06.11.2024
23.	IA No. 88/2024 in OP No. 116/2021 Kaitharam Muslim Jama-ath, Ernakulam Order not ready. Posted to 06.11.2024
24.	EP No. (A9) No. 620/2023/TSR School of Quran, Thrissur Order not ready. Posted to 06.11.2024
25.	<p>OP No. 16/2023 Town Juma Masjid, Thrissur</p> <p>The main O.P is filed by the petitioners under sections 32, 38 and 70 of the Waqf Act, 1995 seeking for a declaration that the election to the Managing Committee of the Town Juma Masjid held on 08/01/2023 is improper and illegal and to set aside the same and for other related reliefs. While this matter was pending before the Board an I.A was filed before the Board as I.A.No.23/2023 and in the said I.A order was passed by the Board on 15/02/2023 directing the concerned Divisional Waqf Officer to appoint an auditor for auditing the accounts of the Jama-ath from 2018 to 2022. In the meanwhile this matter was posted for filing Chief Affidavit by the petitioners. Even after affording several opportunity the petitioners failed to file proof affidavit and subsequently the counsel for the petitioner endorsed "No Instructions". Hence it is to be reasonably presumed that the petitioner is not interested to prosecute this matter further and hence the OP stands dismissed.</p>

26. OP No. 66/2024 Puthoor Pally Muslim Jama-ath, Kottayam

The OP is filed by the petitioners herein seeking to appoint a Returning Officer to conduct election through secret ballot system , not to conduct election without prior permission of the Board, to audit the accounts of the Jama-ath and for other related reliefs. The main allegations raised in the OP is with regard to the construction of readymade Khabarsthan in the waqf property. The petitioner made several allegations regarding the said construction and submitted that the term of the committee expired on 01/03/2024 and are continuing doing the illegal activities. Hence petitioner approached the Board seeking the reliefs in the OP. Along with the petition the petitioner had filed two I.A.s in which one is to restrain the committee from taking further action against a notice issued to him and another is to appoint an interim mutawalli for the administration of the Jama-ath. The respondents had filed counter in both the I.As and preliminary objection in main OP. Both the parties were heard and the Board finds that at present there is no need to pass orders in I.A as orders in the main OP is to be passed. While this matter was pending an I.A was filed seeking to implead some persons but unfortunately they failed to prosecute the matter before the Board and hence same was dismissed by the Board on 11/09/2024.

In the preliminary objection submitted by the respondents it is stated that the General Body had extended the term of the committee for a further period of 3 months. It is admitted that the term of the committee expired on 08/03/2024. It is admitted by both the parties that the term of the committee expired and the respondents had submitted that the General Body of the Jama-ath had decided to extend the term of the committee for a period of 3 months from the date of expiry of the period of the committee. The General Body is not having power to extend the term further and the claim of the respondent that the general body extended the term of the committee until the construction works in the Jama-ath is over. The General body cannot extend period in such a manner. So far no order is passed by any court appointing Returning Officer for the Jama-ath eventhough several attempts were made for obtaining such an order. In such circumstances it is just

	<p>and proper to appoint a Returning Officer for conducting election to the Jama-ath Committee in a democratic manner as the term of the committee which is in administration is over long back.</p> <p>In such circumstances, Adv.P.A.Abdul Jabbar is appointed as the Returning Officer for conducting election to the Jama-ath Committee through secret ballot system. The Returning Officer shall be entitled for an initial batta of Rs.25,000/- which shall be paid from the Jama-ath funds within 15 days from today. The expenses for conducting election shall be met from the Jama-ath funds and the Returning Officer shall complete the election process within a period of 3 months from the date of receipt of this order after complying all legal formalities and the charge shall be handed over to the newly elected committee. Also, the order passed by the Board in I.A No.156/2024 is made absolute.</p>
27.	<p>EP No. 4645/CR Putharippadam Mayyathankara Jama-ath, Palakkad</p> <p><u>EP 4645/CR</u></p> <p>The above enquiry proceedings was initiated on the basis of a common order of the Hon'ble High Court in CRP No. 499/2006 & CRP No. 644/2010. As per the above order, the Hon'ble High Court had confirmed the order passed by the Board dated 09.04.1977 and directed the Board to frame scheme on the basis the said order.</p> <p>The Order dated 09/04/1977 was passed by the Board in OP 05/1971 with regard to Putharipadam Sunni Jama-ath which is a Waqf registered with this Board as 4645/RA. The burial ground is common for adjacent mahals. The Puthripadam Mosque and OP No.05/1971 was filed by 5 petitioners praying for settling a scheme for the Management of Puthiripadam Jama-ath Mosque and its properties and for other related reliefs. The case of the petitioner's in the said OP was that the Puthiripadam mosque and the compound surrounding the same having an extend of 8 acres and 3 cents in Puthiripadam Village of Cannanore Pattola amsom in</p>

Alathur Taluk of Palakkad District is in the joint possession of the Muslim inhabitants of Cannanore Pattola, Kannambra, Puthucode and Manjapra amsoms in Alathur Taluk. Mosque and its properties are a separate entity to be managed independently by constituting a committee to be elected from among the Muslim inhabitants of the four amsoms mentioned in the order. There is a finding in the said order that the entire amount which was in deposit with the Board and the further income that may accrue from the putharippadam mosque properties will belong to that mosque alone.

This enquiry proceedings was earlier disposed by the Board on 26.10.2016 finding that Puthukode, Kannambra, Pattoli Muslim Jama-ath and Manjapra Jama-ath have their own Khabarsthan and these mosques are conducting religious function and they are managed by separate mahallu committees. Moreover they are having separate marriage registers and hence the mahallu in the 4 amsoms have no right over the management and administration of Putharippadam Mayyathankara Jama-ath Committee. The Board accepted the draft scheme submitted by Putharippadam Mayyathankara Sunni Jama-ath Committee with amendments.

Against the order of the Board dated 26.10.2016 in E.P. No. 4645/CR, an appeal was filed by some of the persons before the Hon'ble Waqf Tribunal, Kozhikode under Section 69(3) of the Waqf Act, 1995. On 18.12.2020, the hon'ble Tribunal allowed the above appeal by setting aside the order of the Board dated 26.10.2016 in E.P. No. 4645/CR and the matter is remanded to Waqf Board. The Hon'ble Tribunal further directed the Board to finalize the scheme for the administration of Putharipadam Mosque and its properties based on its order dated 09.04.1977 and the draft scheme published on 14.08.1995. The Hon'ble Tribunal further held that the Waqf Board can make suitable amendments or modifications to the draft scheme considering the objections of the parties to the litigation or beneficiaries if such amendments or modifications are found to be necessary for the better administration of the waqf. It is further held that the registration of the waqf with registration no. 4645/CR during the pendency of this litigation will not affect the decision of the Waqf Board in finalizing the scheme. The Hon'ble

Tribunal directed the parties to appear before the Board and directed the Board to pass appropriate orders giving chance to all parties to raise their arguments and to dispose the matter expeditiously as possible considering the long pendency of the matter in various forums.

Against the order of the Hon'ble Waqf Tribunal dated 18.12.2020 in W.A.S. No. 13/2019, the President and Secretary of Mayyathankara Jama-ath Palli had filed revision petition before the Hon'ble High Court as C.R.P. (WAKF) No. 4/2021. On 18.02.2021, The Hon'ble High Court disposed the above CRP directing the revision petitioners to submit their suggestions and input/objections on any of the issues concerning the scheme proposed by the Waqf Board within six weeks from the date of receipt of copy of judgment. It is further directed that the Board shall finalize the scheme in accordance with law. The Hon'ble High Court directed the registry to return to the Advocates on records, the original Exhibits filed along with the CRP, subject to placing on record self attested xerox copies of the originals on record.

As per the order of the Hon'ble Tribunal in W.A.S. No. 13/2019 dated 18.12.2020, the Board had issued notice to the parties for appearing before the Board on 01.09.2021. On 01.09.2021, party nos. 1,5,6 & 13 were appeared through Adv. T.H. Abdul Azeez and filed draft scheme, party no. 2 refused and set ex-parte, party nos. 4,9 & 10 were reported as died, await notice from party nos. 3 & 14, party no. 7 returned as not known, party no. 8 appeared through Adv. E.S.M. Kabeer, party nos. 11 & 12 appeared through Adv. T.P. Sajid. The President of Muhiyudheen Juma Masjid, Kottarassery, Puthukode had filed an Interlocutory Application bearing I.A. No. 23/21 for impleading him as party no. 15. The case posted to 06.10.2021 for submitting draft scheme of the parties. On 06.10.2021, party nos. 3 & 14 were absent and set ex-parte. Party no. 8 filed counter in I.A. 23/21. On 15.11.2021, party no. 11 & 12 filed I.A. 59/21 to receive documents, A third party had filed an I.A. 60/21 for impleading him an additional party in the above Enquiry proceedings. On 04.01.2022, the President of Puthukode Muslim Jama-ath had filed an I.A. No. 6/22 impleading him an additional party in the

above E.P. On 08.03.2022, I.A. 23/21, I.A. 6/22 and I.A. 60/21 were allowed by the Board and the petitioners in the above IA's were impleaded as additional parties in the said E.P and the office is directed to carryout the amendment. Party nos. 11 & 12 filed objection along with scheme.

On 04.01.2023, the Board appointed Adv. Muhammed Shaffi as the Advocate Commissioner for taking evidence. Party no. 11 filed 66 documents. On 13.12.2023, the Adv. Commissioner filed report Exhibits R1 to R66 marked subject to objection. Party nos. 11 & 12 filed argument notes thereafter the matter was heard in detail by the Board.

OP 6/2021

The above Original Petition is filed by one Mr. Noor Muhammed under Section 63 of the Waqf Act, 1995 seeking to pass an order appointing an Interim Mutawalli to manage and administer the Mayyathankara Jama-ath Palli, Putharippadam invoking Section 63 of the Waqf Act, 1995 and for other reliefs.

The case of the petitioner is that he is the Secretary of Puthukode Jama-ath Committee, Alathur, Palakkad and the respondents are the President and Secretary of Mayyathankara Jama-ath Palli, Putharipadam. As per the judgment in W.A.S. No. 13/2019, the Hon'ble Waqf Tribunal, Kozhikode had set aside the order of the Board in E.P. No. 4645/CR dated 26.10.2016 and remanded the matter to the Waqf Board. The Hon'ble Tribunal directed the Board to finalize the scheme for the administration of Putharipadam Mosque and its properties based on the order of the Board dated 09.04.1977 and the draft scheme published on 14.08.1995 following the procedures. The Putharippadam Mayyathankara Mosque and burial ground is situated in 8 Acres and 3 cents in R.S. No. 151/4 of Puthukode Village. Even though the right over the management of the Mosque property is vested in Puthukode Jama-ath, but the Waqf Board as per its order dated 26.10.2016 approved the scheme submitted by the respondents. The said order was challenged by the petitioner in W.A.S. No. 13/2019 and the Hon'ble Tribunal had set aside the

order in E.P. No. 4645/CR dated 26.10.2016 and remanded the matter to the Board. The dispute is with regard to the administration of respondent mosque and the properties having 8 Acres and 3 Cents. Earlier an order passed by the Board on 09.04.1977 holding that muslim inhabitants of the above said four amsoms have joint right of management of Putharipadam Mayyathankara Mosque and its properties and a scheme to be settled for the administration of the waqf. In the said order, it was held that the petitioner mahal as such has no right of management but the members of that mahal are also the beneficiaries of Putharipadam Mosque and properties. Even though the order of the Board dated 09.04.1977 was challenged before the Hon'ble High Court in O.P. 2864/1977, the same and its appeal was also dismissed. The respondents had obtain waqf registration no. 4645/RA in the name of their committee. The Hon'ble Tribunal rendered judgment in W.A.S. No. 13/2019 holding that the approval of the draft scheme submitted by the respondent is against the earlier decision of the Waqf Board. The Hon'ble Tribunal found that the mandatory requirement in the Waqf Act or the authority of the Board cannot be ignored or challenged by the Mutawalli committees showing any provisions in their bye law. As the order of the Board approving the bye law of the respondent and permitted them to manage and administer the respondent waqf was set aside by the Tribunal, the respondents have no right to manage the waqf. As per Section 63 of the Waqf Act, 1995, the Board have authority to appoint Interim Mutawalli for such period and on such conditions as the Board think fit. There is a vaccum in the office of the Mutawalli of the respondent waqf after pronouncement of judgment of the Tribunal in W.A.S. No. 13/2019 dated 18.12.2020. There is no deed, which governs the right of Mutawalli and it is a fit case for appointing an Interim Mutawalli for the administration of the respondent waqf till the matter is decided finally. The respondents are ignoring the verdict of the Hon'ble Tribunal and managing the waqf as of right. Hence, petitioner sought for the interference of the Board.

The Board had issued notices to the respondents and they appeared before the Board through their counsel and filed counter affidavit stating that the

Original Petition is not maintainable. There is no vacuum or vacancy in the office of the Mutawalli of Putharippadam Mayyathankara Jama-athPalli and hence, Section 63 of the Waqf Act, 1995 cannot be invoked. Earlier one of the supporter of the petitioner had filed a writ petition before the Hon'ble High Court as W.P. (C) No. 20568/2012 seeking appointment of an Interim Mutawalli for the management of the waqf among other prayers. The Hon'ble High Court was considered the matter in detail and dismissed the writ petition vide judgment dated 29.03.2022. Putharippadam Sunni Juma-ath mahal is owing and possessing waqf properties in Puthukode village which includes a Jum-ath Mosque, Madrassa and burial ground. The burial ground is common for adjacent mahals. The waqf property mentioned above is registered with the Kerala State Waqf Board as 4645/RA. The Board in its order dated 09.04.1977, found that Putharippadam Mosque and its properties came into existence earlier than the Puthukode Mosque. Jama Mosques have sprung in the four mahals subsequent to the founding of Putharippadam and Puthukode mosques. The Board found that the Puthukode Mosque and Putharippadam Mosque should be treated as independent mahals with the exception that the puthukode will have their right to bury their dead bodies in Putharippadam mosque compound, as they were doing till now. It was further found that the Puthukode Mahal have a scheme of its own which will continue in force as far as that mahal is concerned and is registered before the Board as 2871/RA. The Board in its order dated 09.04.1977 specifically found that the Puthukode Mahal as such shall not have any right of management over Putharippadam waqf. The judgments of the Hon'ble High Court in O.P Nos. 1452/1973 and 2048/1973 were also referred in the Board order dated 09.04.1977, wherein the Hon'ble High Court has found that the burial of the dead bodies from the 4 mahals in the Putharippadam burial ground is not material and the same will not determine the right of management. Eventhough the Board had passed an another order on 15.03.1997 reviewing its earlier order dated 09.4.1977, the Division Bench of the Hon'ble High Court held that the Waqf Board has no power to review its order dated 09.04.1977 and the subsequent order of the Waqf Board dated 15.03.1997 cannot override the earlier decision of the Waqf Board dated

09.04.1977. The Waqf Board has finalized the scheme for Putharippadam Mayyathankara Jama-ath Palli as per the order of the Board dated 26.10.2016 in E.P. 4645/CR. Against the said order an appeal was filed by some of the parties as W.A.S. No. 13/2019 before the Hon'ble Waqf Tribunal, Kozhikode. On 18.12.2020, the Hon'ble Waqf Tribunal, Kozhikode allowed the above appeal and set aside the order of the Board and remanded the matter to the Board for fresh consideration. Against the said order, the 2nd respondent herein filed revision petition as C.R.P (WAKF) No. 4/2021 before the Hon'ble High Court and on 18.02.2021, the Hon'ble High Court had disposed the matter directing the Board to consider the input/objections presented by the respondent herein along with other materials before finalizing the scheme. As the matter is at trial stage, there is no need to appoint an Interim Mutawalli. There is no vaccum or vacancy in the office of the Mutawalli of the waqf. The waqf is being managed by a legally elected committee. Since a legally elected committee is in the office and is managing the affairs of the waqf in a proper manner, there is no vacancy or vaccum in the office of the Mutawalli of the waqf. There is no need to appoint an Interim Mutawalli in this case and hence the respondent prayed to dismiss the above OP with exemplary costs.

The petitioner filed reply statement stating the admissions of respondents in their counter affidavit. It is stated by the petitioner that there is no approved scheme as evident from the order of the Waqf Tribunal in WS 13/2019 dated 18.12.2020 and from that date onwards there is no deed of scheme and the respondent is unauthorisedly continuing the post of Mutawalli and hence it is prayed for invoking Section 63 of the Waqf Act, 1995, an Interim Mutawalli may be appointed especially huge amounts of waqf funds has been handling by the respondent without any right or authority.

The respondent had filed a petition for joint trail as I.A. No. 95/2024 in the above OP and was allowed by the Board.

Common Order

The enquiry proceedings was initiated for finalizing the scheme of the waqf. About 47 years elapsed after the passing of the order dated 09/04/1977 and the situations also changed tremendously and while passing an order after the lapse of so much time the Board cannot strictly adhere to the order passed long back because the situations had changed. The Honourable High Court as well as the Tribunal had permitted the Board to make suitable modifications in the draft scheme considering the objections of the parties to the litigation or beneficiaries if such amendments or modifications are found to be necessary for the better administration of the Waqf. All the parties appeared before the Board had submitted their versions. From the documents before the Board it is seen that all the other auqaf which are claiming right for management of Putharippadam Mosque and Khabarsthan are having separate mosques, Khabarsthan and management committee. So also, they all are separately registered with the Board.

The Board in the order dated 09.04.1977 specifically stated that the Puthukkode Mahal as such shall not have any right over the waqf. It was also found by the Board that the right to bury the dead bodies as from all the four mahal to have continue without any resistance. The reason found by the Board with regard to the Puthucode mosque is that it is having a scheme of its own and is registered separately with the Board. The very same reasoning is applicable to all the other auqaf which are claiming right of management of the mosque. All those auqaf are having their own masjid, khabarsthan all those auqaf are having a scheme for administration also. At present persons residing in and around putharippadam mosque are not having any independent mahal for them and they are managing the mosque for the past several years without any hindrance. From the order dated 09/04/1977 it can be seen that the right of persons of other mosques are limited to the usage of Kahabarsthan and that cannot be denied by the committee which is to administer the Putharippadam Mosque. The intention

in including members of other Mahals in the committee in the order dated 09/04/1977 can be viewed only to ensure the usage of Khabarsthan without hindrance. The High Court had made a finding in one case that even right to usage of Khabarsthan will not determine the right of management. A reading of the order of the Board dated 09/04/1977 will reveal that there is a finding that the property belong exclusively to the Putharipadam Mosque. Now the mosques in 4 amsoms ie. Puthukode, Kannambra, Pattoli and Manjapra Jama-ath are separate Mahals having separate Khabarsthans, Mahallu committee and are having separate marriage registers and are conducting separate religious functions. During the time when order passed in the year 1977 the persons of amsoms other than puthukode were not having separate mosque and madrassa. It is to be noted that Exhibits A1 to A66 produced by the counsel for Putharippadam Mayyathankara committee is sufficient enough to prove that Puthucode, Kannambra, Pattola and Manjapra amsoms are having their own mosque, Khabarsthan and madrassas. 47 years have elapsed after 1977 which resulted in tremendous changes with regard to the mosques in the locality and its administration. For the past several decades the administration of Putharippadam Jama-ath and its properties are carried out by the Putharippadam Jama-ath Committee and the other Jama-ath committees are managing their properties separately without taking part in the administration of Putharippadam Jama-ath. This matter is evident from those documents. As the predecessors of the several members of other Jama-aths of 4 amsoms are buried in the Khabarsthan attached to Putharippadam JAMA-ath they are having right of usage of the said Khabarsthan Their right is over the usage Khabarsthan of Putharippadam Mayyathankara Jama-ath and not over the administration and management of Putharippadam Mayyathankara Jama-ath which is an independent JAMA-ath having separate membership. The right to usage of Khabaristhan is with all the mahals situated in the 4 amsoms and can put forth suggestions regarding usage of Khabarsthan and protection of the same. Considering the objection, documents and hearing parties on the basis

of the order of the Honorable High Court the Board hereby decides to modify the order dated 09/04/1977 with regard to the administration on the basis of the above finding. Taking into consideration of the new developments took place during the past 47 years, benefit of the waqf and the better administration of the mosque the Board hereby decides that the absolute right for administration and management of Putharippadam Mayyathankara Jama-ath is vested with the Putharippadam Mayyathankara Jama-ath committee and the persons in the 4 amsoms namely Puthucode, Kannambra, Pattola and Manjapra amsoms are having their own mosque, Khabarsthan and madrassas and they are not having any right over Putharippadam Mayyathankara Jama-ath which is the Jama-ath for the persons residing within boundary of said Jama-ath and are members of the Jama-ath. The draft scheme published by the Board dated 14/08/1995 is to be modified on the basis of this order and also after incorporating changes which are warranted due to passage of time. Hence, Board had decided to frame a fresh scheme on the basis of this modified order and the Jama-ath Committee in administration of Putharippadam Mayyathankara Jama-ath is directed to submit a draft scheme incorporating all relevant provisions for the consideration of the Board. The right to usage of Khabaristhan is with all the mahals situated in the 4 amsoms and can put forth suggestions regarding usage of Khabarsthan and protection of the same. Posted to 11.12.2024 for submission of above mentioned draft scheme and suggestions.

28.

EP No. 3121/CR Kodikuthumala Muslim Jama-ath,
Ernakulam

This enquiry proceedings was initiated on the basis of a complaint dated 14-06-2022 submitted by the 1st party herein Mr.K.M.Abdul Hameed seeking interference of Board for providing permanent membership to him in Kodikuthumala Muslim Jama-ath which is a waqf registered with the Board as 3121/RA. When this petition

was filed at the office of the Board explanation was called for from the jama-ath committee which had submitted an explanation on 20-07-2022. As per the said explanation more than hundred temporary members are in the jama-ath and all of them are provided with all services from the jama-ath except participation in the general body and contesting election. Those two rights are the exclusive rights of permanent members and the temporary members are provided with all other rights and services from the jama-ath committee. It was further submitted that the jama-ath committee had decided to continue in this way without affecting the human and religious rights of the temporary members. It was also reported by the jama-ath committee that the marriages of two daughters of the petitioner was conducted by the very same jama-ath without any hindrance and is registered also. The 1st party who is the petitioner informed that he had obtained transfer certificate from Methanam Muslim Jama-th were he was a member but the 2nd party is not providing permanent membership to the petitioner 1st party. According to the petitioner he is permanently residing within the jurisdiction of Kodikuthumala Muslim Jama-ath for the past 30 years and is a temporary members for the last 12 years. His application for permanent membership was not allowed by the committee and hence, he approached the Board.

Both the parties had submitted their evidences and the witnesses were cross examined by the opposite parties. The petitioner/1st party was examined as PW1 and no documents were marked from his side. The secretary of the jama-ath was examined as RW1 and exhibits B1 to B3 were marked from their side. 1st and 2nd documents are the application for conduct of marriage submitted by the petitioner Abdul Hameed in the jama-ath in which the jama-ath committee had sanctioned the same and the 3rd document is bye-law of the jama-ath committee. As per clause 6(b) താൽക്കാലിക അംഗത്വം ലഭിക്കുന്ന തീയതി മുതൽ 7 വർഷം തികയുന്ന മുറയ്ക്ക് ജമാഅത്തുമായുള്ള സഹകരണം വിലയിരുത്തി സ്ഥിരാംഗത്വം നൽകുവാൻ അർഹരാണെന്ന് കമ്മിറ്റിക്ക് ബോധ്യപ്പെട്ടാൽ ഇവരെ സ്ഥിരം അംഗങ്ങളുടെ പട്ടികയിൽ ഉൾപ്പെടുത്തുവാൻ കമ്മിറ്റിക്ക് അധികാരമു ളയിരിക്കുന്നതാണ്. As per clause H(c) തുടർച്ച

യായി 12 മാസം മാസവരി സംഭാവന മുതലായവ കുടിശ്ശിക വരുത്തുന്ന താൽക്കാലിക അംഗങ്ങളുടെ അംഗത്വം യാതൊരറിയിപ്പും ഇല്ലാതെ തന്നെ നഷ്ടപ്പെടുന്നതാണ്. From the above recital of the bye-law it is seen that it is the discretion of the jama-ath committee as to whether any temporary member can be converted to a permanent member on the basis of co-operation of such a member with the jama-ath and committee. As far as the bye-law of the jama-ath is considered it is seen that all rights and services except the right to participate in the general body and to contest election are available to the temporary members and accordingly there is no violation of human rights or religious rights of the temporary members. The petitioner 1st party who is the PW1 had deposed in evidence that “എന്റെ രണ്ട് പെൺമക്കളുടെ വിവാഹം മഹല്ലി അംഗീകരിച്ച് നടത്തിതന്നിട്ടുണ്ട്. കൊടികുത്തുമല ജമാഅത്തിലെ ഇമാമും കമ്മിറ്റിയും നേതൃത്വം നൽകിയാണ് ടി വിവാഹങ്ങൾ നടത്തിയത്” From the above deposition it is clear that the jama-ath committee had provided him service when marriage of his daughters were conducted. It was further deposed by the PW1 that he never go to collect coupon for getting “uluhia meat” in connection with Bakrid and when he was asked as to whether he participates in the aandunercha, moulood etc. in the jama-ath he deposed that “ഞാൻ പോകാറില്ല. അങ്ങിനെ നടക്കാറുണ്ട് റായെന്ന് എനിക്ക് ക്ലിയർ ആയി അറിയില്ല” When he was asked as to whether he participates in the programs conducted in connection with Milad (Nebidinam) his answer was “അങ്ങിനെ പരിപാടിയുണ്ട് എന്റെ അറിവിലില്ല. ഘോഷയാത്ര വീടിന്റെ മുന്നിലൂടെ പോകുന്നത് കാണാം. ഞാൻ പങ്കെടുക്കാറില്ല. കാല് സുഖമില്ലാത്തതിനാലാണ്. നബിദിനവുമായി ബന്ധപ്പെട്ട് പള്ളിയിൽ തുടർച്ചയായി നടക്കുന്ന മൗലൂദ് സദസ്സിൽ ഞാൻ പങ്കെടുക്കാറില്ല” When PW1 was asked as to whether any of the services from the mosque was denied to him he answered that “അങ്ങിനെ നിഷേധിച്ചിട്ടില്ല. അവിടെ ചെന്നാലാണ് സേവനങ്ങൾ കിട്ടുകയുള്ളൂ. ആ സേവനങ്ങൾക്ക് ഞാൻ പോകാറില്ല. പെൺമക്കളുടെ നിക്കാഹിന്റെ ആവശ്യത്തിലേക്ക് വേ 1

ഞാൻ പള്ളിയുമായി ബന്ധപ്പെട്ടു. എനിക്ക് അവർ അതിനുള്ള സേവനം നൽകിയിട്ടു . മറ്റു സേവനങ്ങളൊന്നും ഞാൻ ആവശ്യപ്പെടാറില്ല”

It is also seen from his deposition that he was provided with all services from the jama-ath which is given to its permanent members except the permission to participate in the general body, to give his opinion regarding the policies of the jama-ath and contest elections and vote. As far as a person/believer is concerned these all are secondary and the primary and most important rights are all provided to him and he had agreed that he is not denied of any rights which violates his human and religious rights. From the positions of PW1 and the questions put forth by the 1st party to RW1 while he examine his as party in person the Board feels that he is taking a refuting attitude towards the jama-ath and according to the counter of the jama-ath they had made such an allegation also. As per the bye-law of the jama-ath temporary membership can be made as permanent based on their performance and co-operation with the affairs of the jama-ath which is the discretion of the jama-ath committee. In this matter the jama-ath committee had not denied any of the religious and human rights of the petitioner and it is up to the committee to decide as to whether permanent membership is to be granted to the petitioner after considering the aspects mentioned in the bye-law.

Even though the jama-ath committee alleged that he had failed to pay membership fee and hence he lost his temporary membership due to non payment of subscription amount the petitioner submitted that he failed to pay the subscription fee as this petition is pending before the Board. As the petitioner is residing within the jurisdiction of the jama-ath and was a temporary member of the jama-ath he should be permitted to continue as a temporary member if he pay the membership fee due from him and he shall be provided with all services that is available to a temporary member and his religious as well as human rights are to be protected. The prayer of the 1st party to provide him permanent membership in the jama-ath is dismissed and the jama-ath committee shall consider his request empathetically. In such situation the petitioner/1st party shall co-operate with the

	<p>mahal in its functioning and shall abide by the practices and rituals and shall not do any act which affects the unity of the mahal.</p>
29.	<p>OP No. 44/2023 Kuttulanji Methala Muhiyudheen Juma Masjid, Ernakulam Order not ready. Posted to 06.11.2024</p>
30.	<p>OP No. 94/2024 Masjidul Ijaba Muslim Jama-ath, Alappuzha Order not ready. Posted to 06.11.2024</p>
31.	<p>OP No. 20/2023 Broadway Hanafy, Ernakulam</p> <p>The main O.P is filed by the petitioners under section 32, 47, 70 and 71 of the Waqf Act, 1995 seeking to conduct an overall enquiry with regard to the administration of the waqf and for other related reliefs. The petitioner had putforth severe allegations regarding the administration and accounting system of the Jama-ath. One of the prayer is to appoint a Returning Officer for conducting election to the Jama-ath. Along with the OP the petitioners had filed I.A.No.180/2024 for conducting audit of accounts of the Jama-ath and I.A. No.181/2024 for a direction to the respondent committee not to conduct election without prior permission of the Board. Both the I.As were allowed by the Board. The respondents appeared and submitted that they are not filing any counter to the O.P.</p> <p>On perusal of the file it is seen that an over all enquiry with regard to the administration of the waqf before passing any further order in this petition. Hence, Divisional Waqf Officer, Ernakulam is directed to depute an officer for conducting an urgent enquiry with regard to the administration of the waqf and submit the report before the next administrative meeting of the Board. In this matter audit is already ordered by the Board and the audit report shall be verified by the Divisional Waqf Officer and complete all procedures including calling for</p>

	<p>explanation, curing defects etc and shall be placed before the Board through administrative side if any amount is to be recovered from the said of any person as per the certification of the auditor. Matter is disposed of as above.</p>
32.	<p>OP No. 124/2024 Paimattom Muslim Jama-ath, Ernakulam</p> <p>The main O.P is filed by the petitioners under section 32, 47, 70 and 71 of the Waqf Act, 1995 seeking to conduct an overall enquiry with regard to the administration of the waqf and for other related reliefs. The petitioner had putforth severe allegations regarding the administration and accounting system of the Jama-ath. One of the prayer is to appoint a Returning Officer for conducting election to the Jama-ath. Along with the OP the petitioners had filed I.A.No.180/2024 for conducting audit of accounts of the Jama-ath and I.A. No.181/2024 for a direction to the respondent committee not to conduct election without prior permission of the Board. Both the I.As were allowed by the Board. The respondents appeared and submitted that they are not filing any counter to the O.P.</p> <p>On perusal of the file it is seen that an over all enquiry with regard to the administration of the waqf before passing any further order in this petition. Hence, Divisional Waqf Officer, Ernakulam is directed to depute an officer for conducting an urgent enquiry with regard to the administration of the waqf and submit the report before the next administrative meeting of the Board. In this matter audit is already ordered by the Board and the audit report shall be verified by the Divisional Waqf Officer and complete all procedures including calling for explanation, curing defects etc and shall be placed before the Board</p>

	<p>through administrative side if any amount is to be recovered from the said of any person as per the certification of the auditor. Matter is disposed of as above.</p>
33.	<p>IA No. 178/2024 in OP No. 142/2017 Farooq Juma Masjid, Thrissur</p> <p>The main O.P is filed by the petitioners is already disposed by the Board on 08/11/2023 and on 02/07/2024 is filed by the petitioner seeking to re-open the case stating that the Board had not taken any decision with regard to all his reliefs and hence filed this petition seeking to re-open this proceedings for considering his other reliefs. The respondents appeared and submitted counter stating that as the matter is already disposed by the Board the remedy available to the petitioner is to approach the Waqf tribunal by filing an appeal. They further stated that it is not proper to consider this petitioner which is filed after the lapse of almost 8 months from the date of order and hence requested to dismiss the petition with cost.</p> <p>Board heard both the parties. The Board finds that the objections raised by the respondents are just and proper and mere dissatisfaction of an order to a party is not a reason for re-opening a disposed matter. I.A stands dismissed.</p>
34.	<p>OP No. 60/2024 Hyderiya Masjid Mahallu Committee, Palakkad</p> <p>The main O.P is filed by the petitioners under section 32, 70 and 71 of the Waqf Act, 1995 seeking to appoint a Returning Officer to conduct an election through secret ballot system, to audit the income and expenditure accounts of the 1st respondent waqf for the period 2015 to 2023 and for other related reliefs. While the said matter was pending</p>

	<p>before the Board the petitioner herein had filed the present I.A. seeking to implead him as additional 3rd respondent in the OP. The petitioner claimed that he is the mutawalli of the 1st respondent waqf and the petitioner had suppressed this fact from the Board and hence prayed to implead him as additional respondent no.3</p> <p>The petitioner submitted objection stating that for the past 3 decades the waqf is managed by a managing committee and not by mutawalli as claimed by the petitioner and also alleged that the petitioner is functioning as treasurer of the 1st respondent and hence requested the Board to dismiss the petition as petitioner is not having locus standi to file this application.</p> <p>The Board discussed the matter in detail after bearing both the parties. The claim as to whether the petitioner is the mutawalli or not is a matter of evidence which is to be proved and hence he cannot be impleaded as the mutawalli of the waqf. But it is clear that he is beneficiary of the waqf as the petitioner in the main OP is not having a case that he is not a member of the Jama-ath. On the other hand the petitioner in his counter stated that the petitioner is a part of managing committee. In order to avoid multiplicity of proceedings and for carrying out a fair adjudication it is proper to implead the petitioner in this proceedings as a beneficiary of the waqf. On the basis of the above findings the I.A. stands allowed. The petitioner is impleaded as Additional 3rd respondent and the office is directed to carryout amendment in the basis of the impleadment.</p>
35.	OP No. 128/2024 Thottathumpady Muslim Jama-ath, Ernakulam Order not ready. Posted to 06.11.2024
36.	OP No. 96/2022 Vadanappalli North Mahal Muslim Jama-ath,

	Thrissur For Commission Report Posted to 11-12-2024
37.	OP No. 166/2015 Randarkara Himayathul Muslimeen Yatheem Khana, Ernakulam For Commission Report Posted to 11-12-2024
38.	EP No. A8-3101/2022 Kayaradi Mahallu Jama-ath, Palakkad IA 323/2024 filed to examine the auditor by A Party. Heard, Allowed. For evidence and steps Posted to 11-12-2024
39.	EP (B5) 867/2016 Aluva Muslim Jama-ath, Ernakulam Copy of the petition served For steps Posted to 11-12-2024
40.	OP No. 106/2017 Amaravathi Muslim Jama-ath, Ernakulam For report of Returning Officer Posted to 11-12-2024
41.	OP No. 60/2017 Haji Usman Haji Allah Rakkiyah & Ayoob Haji Abdul Rahiman Trust, Ernakulam. For steps Posted to 11-12-2024
42.	OP No. 186/2018 Abdul Sathar Haji Moosa Sait Dharmasthapanam, Ernakulam For Orders 11-12-2024
43.	OP No. 48/2018 Pavaratty Town Juma Masjid, Thrissur. For verification of the documents Posted to 11-12-2024.
44.	OP No. 136/2019 Ettumanoor Athirampuzha Muslim Jama-ath, Kottayam PW1 examined, Exhibits A1 & A2 marked. Petition evidence closed. For proof affidavit of the respondent. Posted to 11-12-2024
45.	EP (A8) 5771/2019 Edakkazhiyoor Juma ath Palli, Thrissur Cost not paid. No representatives for respondent name called set exparty. For exparty affidavit posted to 06-11-2024

46.	OP No. 112/2019 Chettiyanagadi Hanafi Sunnath Jama ath, Thrissur For appearance of partees and proof affidavit. Posted to 06-11-2024.
47.	OP No. 48/2020 Nibrasul Islam Sangham, Palakkad 1 st petitioner reported died for steps 11-12-2024.
48.	OP No. 66/2020 Ilfathul Islam Sangham (Ponnurnthi Muslim Jama ath), Ernakulam Steps with connected OP 50/2024 call on 11-12-2024.
49.	OP No. 50/2020 Ilfathul Islam Sangham (Ponnurnthi Muslim Jama ath), Ernakulam with connected OP 66/2024 posted to 11-12-2024.
50.	OP No. 16/2020 Kuriathole Muslim Jama ath, Ernakulam Proof affidavit of the petitioner not filed. Reported no oral evidence for the petitioner. Endorsed by the counsel. For respondents evidence posted to 11-12-2024.
51.	OP No. 130/2021 Nusrathul Islam Madrassa Committee, Ernakulam No steps taken. No representation. For filing exparte affidavit posted to 11-12-2024.
52.	EP (A8) 4283/2021 Karakkad Jama ath Pally, Palakkad For proof affidavit of the petitioner. Posted to 06-11-2024.
53.	OP No. 136/2022 Marampally Muslim Jama ath, Ernakulam For appearance of Interim Muthavalli posted to 06-11-2024.
54.	OP No. 06/2022 Pengattussery Muslim Jama ath, Ernakulam Audit report received. For objection to audit report. Posted to 11.12.2024
55.	OP No. 188/2022 Kakkattiri Juma Masjid, Palakkad Copy of document served. For steps. Posted to 11.12.2024
56.	OP No. 104/2022 Pathiyassery Muhiyidheen Juma Masjid, Thrissur

	For commission report. Posted to 11.12.2024
57.	OP No. 174/2022 Muhiyudheen Juma Masjid, Kottayam Commisson report filed. PW1 examined. Exhibit A1 marked subject to objection. Petitioner evidence closed. For affidavit of the respondent. Posted to 11.12.2024
58.	OP No. 54/2022 Mannar Muslim Jama ath, Alappuzha argument notes filed. Heard. For orders. Posted to 06.11.2024
59.	OP No. 98/2022 Paimattoam Muslim Jama ath, Ernakulam For steps. Posted to 11.12.2024
60.	OP No. 50/2023 Ponkunnam Muhiyudheen Palli, Kottayam For counter of the supplemental respondents. Posted to 11.12.2024
61.	OP No. 32/2023 Thottumugham Padinjare Palli, Ernakulam No proof affidavit filed. Reported that no oral evidence for petitioner. For evidence of respondents. Posted to 11.12.2024
62.	OP No. 192/2023 Ilfathul Islam Sangham (Ponnurnthi Muslim Jama ath), Ernakulam Posted with connected OP No. 50/2020 and OP No. 66/2020. Posted to 11.12.2024
63.	OP No. 168/2023 Poovathur Juma ath Muhiyudheen Masjid, Ernakulam Audit report received. For objection to audit report. Posted to 11.12.2024
64.	OP No. 150/2023 Puthenchira Padinjare Muslim Jama ath, Thrissur No steps taken. For proof affidavit. Posted to 11.12.2024
65.	I.A.No.132/2023 in OP No.56/2021Chettiayangadi Hanafi Sunnath Jama-ath, Thrissur Publication produced. Name alled. Set exparte. For affidavit. Posted to 11.12.2024
66.	OP No. 08/2023 Puthoor Palli Muslim Jama ath, Kottayam Proof affidavit of the petitioner not filed. No representation by the petitioner. For orders. Posted to 11.12.2024
67.	OP No. 222/2024 Ettumanoor Athirampuzha Muslim Jama-ath, Kottayam For counter in OP. Posted to 11.12.2024
68.	OP No. 238/2023 Markkassu Dawathi Sunneeya, Thrissur For counter in OP and hearing in IA No. 252/2024. For argument

	notes. Posted to 11.12.2024
69.	OP No. 242/2023 Kanjippuzha Muslim Jama-ath, Alappuzha Counter in OP and IA No. 322/2024 to appoint an officer. For counter. In IA No. 145/2024 counter filed. Posted to 11.12.2024
70.	OP No. 200/2023 Broadway Hanafy Jama-ath Masjid, Ernakulam Adv. Rafeek filed fresh vakkalath for R2, R4, R5, R9, and R13. Heard. For orders in IA No. 180/2023. Posted to 11.12.2024
71.	OP No. 34/2023 Amaravathi Muslim Jama-ath, Ernakulam Returning officer not filed report. For report of Returning officer. Posted to 11.12.2024
72.	OP No. 256/2023 Ponnad Mahallu Muslim Jama-ath Perunthuruth Hidayathul Islam Sangham, Alappuzha Await audit report and steps. Posted to 11.12.2024
73.	EP No. 6868/2023/TSR Kollankode Juma-ath Pally, Palakkad Statement of Party No. 9 filed. For statement of Party No 7 and Party No. 1. Posted to 11.12.2024
74.	OP No. 94/2023 Muhiyudeen Juma Masjid Jama-ath Committee, Ernakulam No steps. For statement. Posted to 06.11.2024
75.	OP No. 86/2023 Kanjiramchira Muslim Jama-ath and Salamathul Iqwan Juma Masjid Mahallu, Alappuzha Exparty affidavit filed. Exhibit A1 to A4 marked. For orders. Posted 06.11.2024
76.	OP No. 158/2023 Ponkunnam Muhiyudeen Muslim Jama-ath, Kottayam with connected OP No. 50/2024. For steps. Posted to 11.12.2024
77.	OP No. 228/2023 Masjidu Swahaba Mahallu committee, Palakkad Audit report received. For objection to audit report. Posted to 11.12.2024
78.	IA No. 241/2024 in OP No. 116/2023 Masjidunnoor Muslim Jama-ath, Idukky IA No. 241/2024 prosecution petition. Notice Served. Adv. E. S. M. Kabeer filed vakkalath for R2 and R3. For counter and notice to R5 served. No representation. For orders. Posted to 06.11.2024
79.	OP No. 254/2023 Ettumannoor Athirampuzha Muslim Jama-ath, Kottayam IA No. 182/2024 prosecution petition. No counter filed. For orders

	in IA No. 182/2024. Posted to 11.12.2024
80.	OP No. 114/2023 Pengattusserry Muslim Jama-ath, Ernakulam For proof affidavit filed. Adv. Aysha is appointed as commissioner. Pay batta of Rs. 2500/- per witness per day. For commission report. Posted to 11.12.2024
81.	OP No. 230/2023 Pengattusserry Muslim Jama-ath, Ernakulam Proof affidavit filed by the petitioner. Adv. Naseeha beegum is appointed as advocate commissioner. Pay Rs. 2500/- per day per witness. For commission report. Posted to 11.12.2024
82.	OP No. 160/2023 South Thrithala Juma Masjid, Palakkad No oral evidence endorsed and endorsed pressed. Dismissed.
83.	OP No. 126/2023 Ilfathul Islam Sangham(Ponnurunni Jama-ath), Ernakulam Counter in IA No. 111/2023. Disposed. IA No. 287/2024 filed by the petitioner. Counter filed. For argument notes. Posted to 06.11.2024
84.	OP No. 148/2023 Puthoor Pally Muslim Jama-ath, Kottayam For production of high court order. Posted to 11.12.2024
85.	OP No. 38/2023 Karukaputhoor Mahallu Jama-ath committee, Palakkad For counter in IA No. 129/2024. Produce amendment petition produce. Copy served. For additional counter in OP. Posted to 11.12.2024
86.	OP No. 208/2023 Muhiyudheen Sunni Juma Masjid and Assasul Islam Madrassa, Palakkad IA No. 339/2024 to condone delay. Allowed on payment of cost of Rs. 2000/-. IA No. 340/2024 allowed on payment of cost. For payment and counter in IA No. 332/2024. Posted to 06.11.2024
87.	OP No. 60/2023 Pallikkara Muslim Jama-ath, Ernakulam IA No. 227/2024, IA No. 228/2024, IA No. 229/2024 no counter. Heard. Allowed. For steps. Posted to 11.12.2024
88.	OP No. 78/2024 Thayikkattukara Muslim Jama-ath, Ernakulam IA No. 91/2024 and IA No. 92/2024. IA No. 319/2024 filed by 6 th respondent. Copy served. For counter and hearing and also production of High court order. Posted to 06.11.2024
89.	OP No. 58/2024 Mannar Muslim Jama-ath, Alappuzha Counter in OP filed. For counter in IA No. 66/2024. Posted to

	11.12.2024
90.	OP No. 80/2024 Hidayathul Islam Mahallu Jama-ath, Palakkad For counter in OP and IA 201/2024 and hearing. Posted to 06.11.2024
91.	OP No. 96/2024 Kaithakkad Muslim Jama-ath, Ernakulam Call on 11.12. 2024
92.	OP No. 4/2024 Ilippakkulam Kattanam Muslim Jama-ath, Alappuzha Submitted that election is over. For report of Returning officer. Posted to 06.11.2024
93.	OP No. 134/2024 Masjidul Ijaba Muslim Jama-ath, Alappuzha For counter of R2. Posted to 11.12.2024
94.	OP No. 136/2024 Masjidul Ijaba Muslim Jama-ath, Alappuzha Counter in OP by R3 filed. No separate counter for R1. Produce high court order. Posted to 06.11.2024
95.	OP No. 138/2024 Masjidul Hidaya Muslim Jama-ath, Alappuzha IA No. 327/2024 to appoint commissioner. For counter. Posted to 06.11.2024
96.	OP No. 146/2024 Keralapuram Muslim Jama-ath, Kollam Adv. Badarudheen filed vakkalath for respondents. For counter. Posted to 11.12.2024
97.	OP No. 148/2024 Masjidul Hidaya Muslim Jama-ath, Alappuzha Adv. E. S. M. Kabeer filed vakkalath for Respondents 1 and 2. For counter in IA No. 248/2024 and IA No. 249/2024, 251/2024. For counter. Posted to 11.12.2024
98.	OP No. 150/2024 Karattupally Muslim Jama-ath Committee, Ernakulam Adv. Rafeek filed vakkalath for R1 and R3. R1 appeared in person. For counter and steps against R4. Posted to 11.12.2024
99.	OP No. 152/2024 Kuzhikkattumoola Muslim Jama-ath, Ernakulam Batta not paid. No representation by the petitioner. OP dismissed.
100.	IA No. 218/2024 in OP No. 88/2023 Mundakkayam Varikkani Muslim Jama-ath, Kottayam IA No. 218/2024 to appoint interim Muthawalli. For hearing. Posted to 06.11.2024
101.	OP No. 2/2024 Balaramapuram Town Muslim Jama-ath, Thiruvananthapuram

	IA No. 223/2024 restoration application. Fresh vakkalath for filed for petitioner. For Counter. Posted to 06.11.2024
102	IA No. 225/2024 in OP No. 224/2023 Ettumanoor Athirampuzha Muslim Jama-ath, Kottayam IA No. 225/2024 to set aside the eparte. Allowed. For counter and put up OP. Posted to 06.11.2024
103	IA No. 239/2024 in OP No. 246/2023 Kadooppadam Muslim Jama-ath, Ernakulam Notice served to the respondents. Name called. No representation. For orders. Posted to 06.11.2024
104	OP No. 92/2024 Kalvathy Muslim Jama-ath, Ernakulam IA No. 275/2024 no counter. Allowed. For counter in IA No. 338/2024. Posted to 06.11.2024
105	OP No. 126/2024 Vadakkekkara Muslim Jama-ath, Ernakulam Adv. Rahim fied vakkalath and counter in OP by R1 and R2. For counter in IA No. 186/2024. Posted to 11.12.2024
106	OP No. 130/2024 Muhiyudeen Juma Masjid and Irshadul Muslimeen Madrassa, Thrissur Both parties submitted in writing that dispute between them is settled. On the basis of that this filee stands closed.
107	OP No. 132/2024 Kayaradi Muslim Jama-ath, Palakkad Counter in IA No. 194/2024 by R4 filed. Document list filed R1 to R3. Heard. For orders IA No. 194/2024. Posted to 11.12.2024
108	EP No. 1184/2024/KTM Puthoor Pally Muslim Jama-ath, Kottayam Both parties appeared in person. The complainant admitted that she is not a member of this Jama-ath and that no letter of her Jama-ath was submitted. The secretary of the Jama-ath admitted that if the complainant and her family applys for membersip with proper transfer certificate they are ready to provide membership to her and family. The complainant submitted that she is not willing to accept membership. In the light of said submission the board decides to close this filed and directs the Jama-ath committee to properly discharge their duty to ddead bodies as per Islamic law and shall not cause difficulty to the family of such deceased person.
109	OP No. 98/2024 Kaitharam Muslim Jama-ath, Ernakulam IA No. 142/2024 counter filed. Heard. For orders. IA No. 126/2024

	counter filed. Heard. For orders. Posted to 06.11.2024
110.	OP No. 180/2024 Cheraman Juma Masjid Mahallu Committee, Thrissur Adv. Narayanan filed vakkalath for R1 to R13 and 15 and filed counter. Adv. Manu Thewj filed vakkalath for R16 and 17. Counter of R16 and 17 and steps against R14. Posted to 11.12.2024
111.	OP No. 164/2024 Kaduvinal Muslim Jama-ath, Alappuzha Adv. E. S. M. Kabeer filed vakkalath for R1 and R2. Counter filed. For steps. Posted to 11.12.2024
112.	OP No. 170/2024 Kayamkulam Muslim Jama-ath, Alappuzha Fresh vakkalath by Adv. Jabbar for petitioner. Adv. Sajid for respondents. For counter. Posted to 11.12.2024
113.	OP No. 184/2024 Koorikkuzhi Muslim Jama-ath, Thrissur Notice Served. No representation. Name called. Respondent set exparte. For exparte affidavit. Posted to 11.12. 2024
114.	OP No.186/2024 Kilikolloor Valiya Pally Jama-ath, Kollam Notice to the respondent served. No representation. Name called. Set exparte. For exparte affidavit. Posted to 11.12.2024
115.	AA No. 156/2024 Mudikkal Muslim Jama-ath, Ernakulam Heard. For orders. Posted to 11.12.2024
116.	AA No. 158/2024 Thottumugham Kizhakke Jama-ath Pally, Ernakulam Heard. For orders. Posted to 11.12.2024
117.	OP No. 158/2022 Ilfathul Islam Sangham, Ernakulam For steps. Posted to 11.12.2024
118.	OP No. 56/2024 Mavalli Muslim Jama-ath, Kollam For report of the Divisional officer. Posted to 06.11.2024
119.	OP No. 144/2024 Vakkam Kizhakke Muslim Jama-ath, Thiruvananthapuram No counter in IA No 215/2024 closed. IA No. 309/2024 and 310/2024 heard. For orders. Posted to 06.11.2024
120.	OP No. 92/2021 Edava Muslim Jama-ath, Thiruvananthapuram High court order produced. Call on 16.10.2024 at Calicut.
121.	OP No. 188/2024 Alapanangad Sahib Juma Masjid, Thrissur Issue notice to the respondents. Posted to 11.12.2024
122.	OP No. 196/2024 Poonthura Puthen pally Muslim Jama-ath, Thiruvananthapuram

	<p>Issue notice to the respondents. Posted to 11.12.2024 IA No. 318/2024 Heard. The petitioner had made out a prima facie case. The respondents and men or agents under them are restrained from preventing or thwarting the petitioner from practicing and contesting the Jama-ath committee election to the 1st respondent in any manner. Serve this notice through special messenger. Kunju Muhammed Driver cum attender is appointed as special messenger.</p>
123.	<p>OP No. 198/2024 Vadakkekad Muslim Jama-ath, Thrissur Issue notice to the respondents. Posted to 11.12.2024</p>
124.	<p>OP No. 200/2024 Vadakkekad Muslim Jama-ath, Thrissur Issue notice to the respondents. Posted to 11.12.2024</p>
125.	<p>OP No. 202/2024 Thekkanarayad Jama-ath and Munavvarul Islam Sangham, Alappuzha Issue notice to the respondents. Posted to 11.12.2024 IA No. Heard the petitioner. Divisional Waqf Officer, Kottayam is directed to conduct audit of accounts of the waqf for the period of 2021-2023.</p>
126.	<p>OP No. 204/2024 Karunagappally Muslim Jama-ath, Kollam Issue notice to the respondents. Posted to 11.12.2024 IA No. 331/2024 Heard the petitioner. The petitioner had made out a prima facie case. The respondents 1 to 3 are directed not to implement the decision taken as per Exhibit P1, P2, P3 until further orders from the Board.</p>
127.	<p>OP No. 206/2024 Pengattusserry Muslim Jama-ath, Ernakulam Issue notice to the respondents. Posted to 11.12.2024</p>
128.	<p>OP No. 208/2024 Vellikkulangara Muhiyudeen Town Juma Masjid, Thrissur Issue notice to the respondents. Posted to 11.12.2024 IA No. 334/2024 Divisional Waqf Officer, Thrissur is directed to audit the accounts of the Jama-ath for the period of 2020-2022. IA No. 335/2024 Heard. The petitioner had made out a prima facie case. Respondents are directed to provide all services to the petitioner as are eligible to the members of the Jama-ath.</p>

129	<p>OP No. 210/2024 Ilfathul Islam Sangham, Ernakulam IA No. 336/2024 Divisional Waqf Officer, Ernakulam is directed to depute an officer as an observer for attending the Specila General Body Meeting of the Jama-ath to be held on 13.10.2024 at 04:30 PM and also depute sufficient officers for observing the nercha to be held on 27.10.2024 to 03.11.2024. IA No. 337/2024 Station House officer, Palarivattom is directed to provide sufficient protection to the Special General Body Meeting of the Jama-ath to be held on 13.10.2024 at 04:30 PM.</p>