

A DIARY
Dated: 03.07.2024

1. OP No. 40/2013 Al Hidayah Islami Trust, Palakkad

This is a petition filed by Shri.P.T.Razak and four others under sections 32, 36, 40, 47, 48, 64 and 70 of the Waqf Act, 1995 seeking to institute an enquiry into the administration of Al Hidayah Islamic Trust and for a declaration that the property lying an extent of 8 acres and 22 ¼ cents in Sy. No.46/1, 46/2, 33/4, 33/5B, 33/10B and 34 o Vadasseripuram Desom of Kottappadom No.2 Village is a waqf property as per document No.9759/1998 of SRO Alanelloor, to remove the members of the managing committee of Al-Hidayah Islamic Trust from the management of the waqf property, to frame a shceme for the administration and management of the waqf property and all institutions thereon and for other related reliefs.

The main allegation in the O.P. is that the property involved in this matter is a waqf property but the respondents had not registered it with the Board and are mismanaging the said waqf. On receipt of petition, notices were issued to the respondents and the respondents 1, 4, 5, 7, 8 and 9 appeared through counsel and subsequently filed counter stating that they are registered trust working under the provisions of the Indian Trust Act and properties managed by them are trust properties and not waqf properties. The respondents contented that the Board was not having jurisdiction to entertain the O.P. The Board considered the issue on maintainability of the above O.P. as the respondents herein contented that it is not a waqf property and by an order dated 03-07-2018, the Board found that the O.P. is maintainable for the reason that the property in dispute is prima facie a waqf property and ordered that final decision can be taken only after detailed evidence and after hearing parties. In addition to that the Board had directed the office to take steps registering the above property after completing all procedural formalities. Aggrieved by the said order of the board, the respondents had filed O.A.166/2019 before the Waqf Tribunal and the Hon'ble Tribunal vide an order dated 03-11-2020 had allowed the O.A. setting aside the direction in the impugned order to register the disputed property as waqf and further added that if the Board finds that the disputed property is a waqf property then the Board is free to proceed with registration.

Document No.A1 which is a copy of waqf deed No.79/IV/97 of Alanalloor SRO and document No.A2 is a copy of waqf deed No.9759/1998 of Alanalloor SRO were submitted from the side of the petitioners. Both the documents were termed as waqf deed by the waqif himself and hence it is clear that the intention of the waqf is to create a waqf and it is clearly stated

	<p>that “മുസ്ലിം സമുദായത്തിന്റെ മതപരവും ധർമ്മാർത്ഥവും ആയ കാര്യങ്ങൾക്കായി വഹകൾ പ്രയോജനപ്പെടുത്തുന്നതിനും” which shows that the property was dedicated for carrying out religious purpose recognized by muslim law. As the property is dedicated as waqf as is evident from the waqf deeds and the trust is the mutawalli of the said waqf which is having right to manage the waqf property. As from the deeds which are document No.A1 and A2 it is clearly seen that the property is dedicated as waqf the office is directed to take necessary steps for registering the said property as waqf properties as per section 36 of the Waqf Act, 1995. The allegation of the petitioner is that the respondent trust is not having right to manage the waqf and to remove the trust from the management of the waqf property cannot be allowed as in the waqf deed itself it is stated that the property is to be managed by Al Hidaya Islamic Trust which is having a trust deed for its functioning. In such circumstances, there is no need to frame a scheme for the administration of the waqf as administration is done as per the provision of enquiry. The other prayers in the O.P. are not entertain as there is no proper allegation and prove with regard to the same and Board finds that there is no hope for an enquiry as sought by the petitioner. The Divisional Waqf Officer, Thrissur shall take immediate steps for registering the properties covered by document No.A1 and A2 as waqf properties with the managing committee of Al-Hidaya Islamic Trust as its mutawalli.</p>
2.	<p>OP No. 40/2014 Mulavoor Central Central Jama-ath, Ernakulam Order not ready. Posted to 11.09.2024</p>
3.	<p>OP No. 20/2014 Kareppadam Muslim Jama-ath, Kottayam</p> <p>The OP is filed under Sections 32 & 69 of the Waqf Act, for framing a scheme for the administration of the Karippadam Muslim Jama-ath. The respondent appeared and submitted that the committee decided to create a bye law incorporating the common consensus of the genera body.</p> <p>After hearing both parties Board passed an order dated 11-12-2018 upholding the decision of the General body of the Jama-ath found that t there is no need to frame a scheme as prayed by the petitioners.</p> <p>Aggrieved by the order of the Board the petitioners approached the Hon’ble Waqf Tribunal and the Tribunal allowed the appeal and setting aside the order passed by the Board and further directed the Board to frame a scheme for the administration of the Jama-ath in accordance with the Waqf Act and Rules, Waqf deed and the precedent in the administration of the Jama-ath. The Tribunal further held that both parties should be given chance to suggest draft scheme. Both parties submitted their draft scheme. The draft scheme submitted by the petitioner as well as respondents were considered by the Board along with their respective objections and had framed a scheme for</p>

	administration of the waqf considering the provisions of the Act, Rule and precedents in the administration of the jama-ath which is evident from the files of the Board and had finalized the scheme for the administration of the jama-ath. The said scheme as finalized under section 69 of the Waqf Act by the Board after hearing all the parties shall form part of this order and same shall be published under section 69(3) of the Waqf Act, 1995 by the Divisional Waqf Officer, Kottayam within a period of 15 days from the date of receipt of this order and after the said date the finalized a scheme shall be implemented in the waqf.
4.	OP No. 146/2015 Khadimul Islam Palakkazhi Puthen Juma Masjid, Palakkad Order not ready. Posted to 07.08.2024
5.	OP No. 12/2019 Kalloor Karnikkal Muslim Juma Masjid, Thrissur Order passed vide separate sheet
6.	OP No. 68/2020 Abdul Latheef Haji Ismail Sait Trust, Thrissur Order not ready. Posted to 07.08.2024
7.	OP No. 62/2022 Amayoor Juma Masjid, Palakkad Order not ready. Posted to 07.08.2024
8.	OP No. 218/2023 Muhiyudheen Juma Masjid, Ernakulam order not ready. Posted to 11.09.2024
9.	EP (A3) 3293/CR Petta Muslim Jama-ath, Ernakulam Order not ready. Posted to 11.09.2024
10.	EP No. 3300/CR Abdul Sathar Haji Moosa Sait Dharmastapanam, Ernakulam Order not ready. Posted to 11.09.2024
11.	EP No. (A9) 1942/2005 Jamia Juma Masjid Jama-ath Committee, Palakkad order not ready. Posted to 11.09.2024
12.	OP No. 102/2023 Chunakkara Thekku Muslim Jama-ath, Alappuzha Order not ready. Posted to 11.09.2024
13.	OP No. 224/2023 Ettumanoor Athirampuzha Muslim Jama-ath, Kottayam The petitioner had filed the O.P. seeking to pass order to conduct a detailed enquiry regarding the administration of the Ettumanoor Athirampuzha Muslim Jama-ath Waqf under the respondents, to appoint an auditor to conduct and report the income and expenditure account of the 1 st respondent for the past 5 years from 2018 to 2023 for other related reliefs.

The petitioner who is a member and beneficiary of the 1st respondent Jama-ath had narrated the details of properties and sources of income of the Jama-ath. Petitioner is hoisting very serious financial allegations against all the respondents.

Upon receiving petition on 31.10.2023, notice was issued to the respondents to appear before the Board on 13.12.2023. On the same day, the Board passed interim order in IA No 226 of 2023 directing the Divisional Waqf Officer, Kottayam to appoint an auditor to audit the accounts for the period of 2018 to 2023 and report.

Adv. R O Muhammed Shemeem filed vakalath for R1 to R5. But there is no appearance for R 1 to 5 till date. Even after the lapse of more than 6 months the respondents had not represented in this matter. Hence, it is to be presumed that respondents are having nothing to submit in this regard.

Almost all reliefs sought for by the petitioner were fulfilled. Auditing is already ordered by the Board and procedure to complete the audit process is in progress. If any further action on the basis of audit report is to be initiated from the side of Board the office shall place the matter before the Board through administrative side. The Divisional Waqf Officer, Kottayam is directed to conduct detail enquiry of administration of Ettumanoor Athirampuzha Muslim Jama-ath Waqf and take further action if necessary. The OP stands allowed.

14. AA No. 70/2024 Kunnukara Muslim Jama-ath, Ernakulam

Present appeal is filed by the Secretary of Kunnukara Muslim Jama-ath, 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 2018-2019 to 2021-2022 and to pass a fresh order in this regard. The appellant had remitted the 1/3rd of the disputed amount for the year 2018-2019 to 2021-2022 as provide under the Kerala Waqf Rules.

The averment in the appeal memorandum is that the failure of submission of accounts of the waqf is not willfull, that it occurred due to the non action on the part of erstwhile committee 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.

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

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

The present appeal is disposed of with the above direction.

15. AA No. 72/2024 Puthuppallippuram Badar Juma Masjid, Ernakulam

Present appeal is filed by the Secretary of Puthupallippuram Badar Juma Masjid, 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 2020-21 to 2021-2022 pass a fresh order in this regard. The appellant had remitted the 1/3rd of the disputed of amount for the year 2020-21 to 2021-2022 as provide under the Kerala Waqf Rules.

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

On verification of the office records, it is seen that Best Judgment Assessment was made as the committee administering the waqf failed to submit the accounts before the Board as contemplated under the Waqf Act and the waqf failed to remit the contribution amount due. Even

	<p>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. The present appeal is disposed of with the above direction.</p>
16.	OP No. 126/2018 Pudoor Puthen Pally, Palakkad Order not ready. Posted to 07.08.2024
17.	OP No. 120/2023 Mattummal Mahall Jama-ath Pally Committee, Thrissur Order not ready. Posted to 11.09.2024
18.	OP No. 14/2016 Saithoona Islamic Trust, Thrissur Stayed. Posted to 11.09.2024
19.	OP No. 132/2017 Kuzhikkattumoola Mahallu Muslim Jama-ath, Ernakulam call on 11.09.2024
20.	OP No. 134/2017 Haji Usman Haji Allarakhiya and Ayyoob Haji Abdul Rahiman Trust, Ernakulam Adv. Sithara filed fresh vakkalath for petitioner. Evidence will be recorded in open court for examination of respondent. Posted to 07.08.2024
21.	OP No. 182/2018 Al Jamiathul Kausariya, Ernakulam For chief affidavit. Posted to 11.09.2024
22.	OP No. 168/2018 Thableegul Islam Trust, Ernakulam Post along with OP No. 182/2018. Posted to 11.09.2024
23.	OP No. 178/2018 Thabeegul Islam Trust, Ernakulam along with connected matter. OP No. 168/2018 and 182/2018. Posted to 11.09.2024
24.	OP No. 66/2020 Ilfathul Islam Sangham(Ponnurunni Jama-ath), Ernakulam

	call on 07.08.2024
25.	OP No. 10/2020 Kuzhikkattumoola Mahallu Muslim Jama-ath, Ernakulam Matter pending before the High court. Call on 11.09.2024
26.	OP No. 50/2020 Ilfathul Islam Sangham (Ponnurunni Jama-ath), Ernakulam For steps. Posted to 07.08.2024
27.	OP No. 48/2020 Nibrasul Islam Sangham, Palakkad Divisional Waqf Officer submitted. For verification. Posted to 11.09.2024
28.	OP No. 46/2021 Kochangadi Jama-ath Pally @ Chembitta Pally, Ernakulam Produce details of pending matter before the High court. Posted to 07.08.2024
29.	OP No. 04/2021 Pallikkara Muslim Jama-ath, Ernakulam For counter. Posted to 11.09.2024
30.	OP No. 114/2021 Maraya Managalam Central Jama-ath Pally Committee, Palakkad For commission report. Posted to 11.09.2024
31.	OP No. 34/2022 Kochi Thaikkavu Pally, Ernakulam Copy served. For counter in IA No. 119/2024 filed. Posted to 11.09.2024
32.	OP No. 60/2022 Adipparanda Juma Masjid, Palakkad For commission report. Posted to 11.09.2024
33.	OP No. 152/2022 Cheruthuruthy Juma Masjid and Madrassa Committee, Thrissur Retuning officer appointed in connected matter OP No. 154/2023. Objection to audit report. Posted to 11.09.2024
34.	OP No. 106/2022 Noor Muhammadiyya Jama-ath, Idukky Await audit report. Posted to 11.09.2024
35.	OP No. 184/2022 Abdul Sathar Haji Moosa Sait Dharmastapanam, Ernakulam For argument notes. Posted to 11.09.2024
36.	OP No. 136/2022 Marampally Muslim Jama-ath, Ernakulam Counter in IA No. 133/2024. Issue direction to Returning officer to complete election within three months and to produce accounts before the Board as mentioned in IA NO. 188/2023. Interim muthawalli is also directed to submit report regarding financial issues. Posted to 07.08.2024
37.	OP No. 128/2022 Vazhalippadam Mahallu Jama-ath, Thrissur Fee to the auditor paid. Audit report submitted. IA No. 152/2022. For

	counter and objection. Posted to 11.09.2024
38.	OP No. 172/2022 Muhiyudheen Juma Masjid, Kottayam For commission report. Posted to 11.09.2024
39.	OP No. 48/2023 Thirunakkara Puthen Pally Muslim Jama-ath, Kottayam Counter of R1 to 3, 5,6,9 filed. IA No. 179/2024 to appoint auditor. For counter. Posted to 11.09.2024
40.	OP No. 112/2023 Ilfathul Islam Sangham (Ponnuruni Jama-ath), Ernakulam Counter filed along with documents. For Steps. Posted to 11.09.2024
41.	OP No. 112/2019 Chettiyangadi Hanafi Sunnath Jama-ath, Thrissur Cost paid. For proof affidavit. Posted to 11.09.2024
42.	OP No. 254/2023 Ettumanoor Athirampuzha Muslim Jama-ath, Kottayam Counter filed with copy. Posted to 11.09.2024
43.	OP No. 194/2023 Konthalappally Jama-ath, Idukky For counter of additional respondents. Posted to 11.09.2024
44.	EP No. (A8) 2698/2023 Madrassathul Husna, Thrissur Counter filed. For steps. Posted to 11.09.2024
45.	OP No. 44/2023 Kuttulanji Methala Muhiyudeen Juma Masjid, Ernakulam 3 rd respondents submitted High court order. For hearing. Posted to 07.08.2024
46.	OP No. 114/2023 Pengattuserry Muslim Jama-ath, Ernakulam For filing chief affidavit of the petitioner. Posted to 11.09.2024
47.	OP No. 230/2023 Pengattuserry Muslim Jama-ath, Ernakulam Counter filed. For steps. Posted to 11.09.2024
48.	OP No. 52/2023 Pazhayalakkidi Hidayathul Islam Mahallu Jama-ath, Palakkad For steps. Posted to 11.09.2024
49.	OP No. 160/2023 South Thrithala Juma Masjid, Palakkad Counter filed. For chief affidavit. Posted to 11.09.2024
50.	OP No. 152/2023 Vadakara Muslim Jama-ath, Kottayam No audit fees paid and order in IA No. 128/2023 not complied. For payment of audit fees and chief affidavit. Posted to 11.09.2024
51.	OP No. 146/2023 Kuzhikkattumoola Mahallu Muslim Jama-ath, Ernakulam No Chief affidavit filed. It is reported that Interim Muthawalli tendered resignation. For orders. Posted to 11.09.2024
52.	OP No. 16/2023 Town Juma Masjid, Thrissur

	order not ready. Posted to 07.08.2024
53.	OP No. 126/2023 Ilfathul Islam Sangham(Ponnurunni Jama-ath), Ernakulam For steps. Posted to 11.09.2024
54.	OP No. 148/2023 Puthoor Pally Muslim Jama-ath, Kottayam IA No. 185/2024 filed by the petitioner. Notice given. For counter in IA No. 185/2024. Posted to 11.09.2024
55.	EP No. (A8) 4550/2023/TSR Kakkottil Punnappadam Jama-ath Pally, Palakkad It is seen that statement of R2 to 4 already filed. For chief affidavit. Posted to 11.09.2024
56.	OP No. 38/2023 Karukaputhoor Mahallu Jama-ath Committee, Palakkad For counter in IA No. 127/2024, 128/2024 and 129/2024. Posted to 11.09.2024
57.	OP No. 66/2024 Puthoor Pally Muslim Jama-ath, Kottayam Counter in IA No. 156/2024. IA No. 195/2024. Copy served. For counter and hearing. Posted to 07.08.2024
58.	OP No. 250/2023 Punnappadam Kakkod Puthen Pally Jama-ath, Palakkad IA No. 189/2024 to proof affidavit. Set exparte order. Heard. Allowed. For proof affidavit. Posted to 11.09.2024
59.	OP No. 208/2023 Kongad Muhiyudheen Sunni Juma Masjid and Assasul Islam Madrassa, Palakkad For proof affidavit. Posted to 11.09.2024
60.	OP No. 20/2023 Broadway Hanafy, Ernakulam For counter. Posted to 11.09.2024
61.	OP No. 158/2023 Ponkunnam Muhiyudeen Muslim Jama-ath, Kottayam For steps with connected OP. Posted to 07.08.2024
62.	OP No. 24/2024 Mannalamkunnu Mahallu Committee, Thrissur For counter. Posted to 11.09.2024
63.	OP No. 08/2024 Erumeli Mahallu Muslim Jama-ath, Kottayam Counter in IA and OP filed. Hearing on the point of maintainability. Posted to 11.09.2024
64.	OP No. 16/2024 Vadakara Muslim Jama-ath, Kottayam No steps. For evidence. Posted to 11.09.2024
65.	OP No. 40/2024 Theruvath Pally Makham Committee, Palakkad For filing chief affidavit. Posted to 11.09.2024
66.	OP No. 50/2024 South Thrithala Juma Masjid, Palakkad For counter. Posted to 11.09.2024

67.	OP No. 52/2024 East Veliyathnad Juma Masjid, Ernakulam For counter. Posted to 11.09.2024
68.	OP No. 68/2024 Kaithakkad Muslim Jama-ath Committee, Ernakulam For counter. Posted to 11.09.2024
69.	OP No. 14/2024 Kuzhikkattumoola Mahallu Muslim Jama-ath, Ernakulam Posted along with connected OP. IA No. 191/2024. For counter. Posted to 11.09.2024
70.	OP No. 78/2024 Thayikkattukara Muslim Jama-ath, Ernakulam Counter filed in OP and IA No. 91/2024. Election process already started but the polling and allied activities such as nomination process shall be done only after prior approval of the Board. IA No. 193/2024 no objection. Allowed. Carry out amendment. Posted to 07.08.2024
71.	OP No. 94/2024 Masjidul Ijaba Muslim Jama-ath, Thrissur Counter filed. Heard. For orders. Posted to 11.09.2024
72.	OP No. 92/2024 Kalavathy Muslim Jama-ath, Ernakulam Counter in IA No. 116/2024 filed. For counter in IA No. 117/2024. For hearing. Posted to 11.09.2024
73.	EP No. (A3) 3338 & 3339/CR Haji Essa Haji Moosa Saith Trust and Jan Muhammed Haji Essa Sait Trust, Ernakulam 2 nd party filed statement. For statement of 1 st party. Posted to 11.09.2024
74.	EP No. (A3) 3300/CR-1 Abdul Sathar Haji Moosa Sait Dharmastapanam, Ernakulam The above Enquiry Proceedings was initiated on the basis of a report submitted by the Chief Executive Officer before the Board informing that the key of the office room of Abdul Sathar Haji Moosa Sait Dharmastapanam was taken over by the SHO, Central Police Station, Ernakulam as there was dispute with regard to the administration of the trust with managing trustee on one side and other trustees on the other side. Pursuant to that the managing trustee had approached the Hon'ble High Court of Kerala by filing WP(C)No.24189/2022 and the Hon'ble High Court was pleased to pass an order dated 26-09-2022 directing the Station House Officer to hand over the key to the officer deputed from the Board and further the Board was directed to pass an order after hearing all the parties and until then it was directed to carry out administration by making an interim arrangement by the Board. The Board had deputed an officer to receive the key and an appointed a retire officer of the Board as interim mutawalli of the waqf. Notices were issued to all the concerned parties who had appeared before the Board

and had submitted their respective counter. Even prior to the completion of filing statement the managing trustee had approached the Hon'ble High Court seeking to conclude the proceedings within a time frame and the Hon'ble High Court had directed the Board vide its order dated 03-04-2023 directing to take a final decision within a period of 4 months from the commencement of the sitting of the Waqf Board after Ramzan holidays.

After that the matter came before the Board on 04-05-2023 on which date a 3rd party had filed an impleading application and the same was allowed on 07-06-2023 and the matter was posted to 23-08-2023. Subsequently, on 31-10-2023 the managing trustee who had approached the Hon'ble High Court had filed additional statement and submitted that Advocate Trustee is a necessary party in this proceedings and on the basis of the submission of the 1st party the Board had issued notice to the Advocate Trustee to appear before the Board on 13-12-2023. Even though notice was issued and matter was again posted for appearance of Advocate Trustee to 14-02-2024 he had failed to appear. As the Board had appointed an interim mutawalli for the administration of the waqf as directed by the Hon'ble High Court, the Board found it necessary to call for report of the interim mutawalli with regard to the administration of the waqf. On 24-04-2024, the interim mutawalli had submitted his report. The Advocate Trustee had not appeared before the Board and submitted his statement.

The report of the interim mutawalli appointed by the Board revealed that the Income Tax department had charged a fine of Rs.52 lakhs to the trust due to the failure on the part of the then managing trustee Moosa Abdul Sathar Sait who is party No.1 herein in submitting returns properly before the authority. Even though the interim mutawalli contacted party No.1 for providing clarity to the Chartered Accountant regarding this matter he had failed to do so and from that it is to be inferred that he is not at all interested in protecting the waqf from causing financial loss to it. At present the interim mutawalli had contacted chartered accountant so as to take steps to get this fine cancelled. The report of the interim mutawalli revealed that several persons are in possession of waqf property and are not paying any rent to the waqf. Prima facie it is seen that the waqf is having lot of property that to the prime locality of the city and same is to be protected in a proper manner. The persons who was in the helm of administration fail to

protect the properties and to increase the income of the waqf and to acquire new properties for the waqf. from the report of the interim mutawalli it is clear that majority of the property are in the possession of family members itself who are closely related to the trustees and the 1st party who is the erstwhile managing trustee. For evicting unauthorized occupants from the waqf property and to repossess the properties proper action can be taken by an independent person who is under the direct control of the Board. If the vacancy of managing trustee is filled it will be difficult to remove encroachment from the waqf property and it is prejudicial to the interest of the waqf. There is dispute between the trustees with regard to the managing trustee and as per clause 33 of the will of the waqif “ഈ ധർമ്മസ്ഥാപനം സംബന്ധമായ സകല വസ്തുക്കളേയും മാനേജ്മെന്റ് ട്രസ്റ്റി ശരിയായി ഭരിച്ചും സംരക്ഷിച്ചും ആദായം എടുത്ത് എന്റെ നിയോഗ പ്രകാരം നടക്കാതെയോ നടത്താതെയോ ഇരിക്കുകയും അതിനെ പറ്റി ശേഷം ട്രസ്റ്റിമാരെ കൂടി ആലോചിച്ച് വേ വിധം തീരുമാനിച്ച ശരിയായ നടത്തിക്കുന്നതിന് വേ ഏർപ്പാട് ചെയ്യാതെ ഉദാസീനത കാണിക്കുന്നതായും ആ ുതോറും കണക്ക് മുതലായത് പരിശോധിപ്പിച്ചും ഭരണ റിപ്പോർട്ട് തയ്യാറാക്കി അച്ചടിപ്പിച്ച് ഗവൺമെന്റിലേക്കും മറ്റും കൊടുക്കാതിരുന്നാലും ഈ കരണങ്ങളാൽ ധർമ്മ സ്വത്തുക്കൾക്കും ധർമ്മങ്ങൾക്കും മറ്റും സാരമായ ദോഷങ്ങൾ നേരിട്ടുകൊ ിരിക്കുന്നതായി കാണപ്പെടുമ്പോൾ തിരുവതാംകൂർ ഗവൺമെന്റിൽ നിന്നും എന്റെ ധർമ്മസ്ഥാപനം വക സകല സ്വത്തുക്കളും കൈവശപ്പെടുത്തി ഒന്നോ അതിലധികമോ റിസീവറെ നിയമിച്ചാക്കി ഗവൺമെന്റിന്റെ മേൽഭരണത്തോടും കൂടി മേൽ എഴുതിയ എന്റെ നിശ്ചയങ്ങൾ അനുസരിച്ചുള്ള എല്ലാ പ്രവൃത്തികളും ശരിയായും ശ്വശതമായും നടത്തിക്കണമെന്നു ഞാൻ ആ ഗവൺമെന്റിനോട് അപേക്ഷിക്കുകയും അപ്രകാരം റിസീവർമാരെ നിയമിച്ചാക്കി നടത്തിക്കുന്നതിനും അവർക്ക് ന്യായമായി കൊടുക്കേ ി വരുന്ന പ്രതിഫലം കൊടുക്കുന്നതിനും ി ഗവൺമെന്റിലേക്ക് ഞാൻ ഇതിനാൽ അധികാരം നൽകുകയും ചെയ്തിരിക്കുന്നു”

The defects mentioned by the waqif is committed by the 1st party managing trustee and his actions are prejudicial to the interest of the waqf and Board being the statutory authority created as per the provisions of Waqf Act, 1995 is duty bound to take over administration of the waqf for the best interest of the waqf and as intended by the waqif. Hence, the Board hereby decides to assume direct management of Abdul Sathar Haji Moosa Sait Trust as the Board finds that the filling up of the vacancy in the office of mutawalli is prejudicial to the interest of the waqf and will not benefit protection of waqf property and its income. On the basis of above finding the Board hereby decides to assume direct management of the waqf for a period of one year by appointing an administrator for the waqf who shall take charge from 01-08-2024 and

	shall administer the waqf as per the provisions of Waqf Act, 1995 and shall takes steps to improve the management and income of the waqf. In the light of above decision T. A. Abdul Basheer is appointed as the administrator of Abdul Sathar Haji Moosa Sait Trust for a period of one year. He shall be entitled for a monthly remuneration of 15000/- and shall carry out the administration of the waqf as per the provisions of Waqf Act, 1995 and Rules and shall take all possible measures to protect waqf properties and shall carry out the administration as per the will of the waqif. The office shall take immediate steps for publication of this decision in the official gazette. Matter is disposed of accordingly.
75.	EP No. (A9) 4645/CR Putharippadam Mayyathankara Jama-ath, Palakkad For hearing. Posted to 07.08.2024
76.	IA No. 93/2024 in EP No. A3-3173/CR Manjali Muslim Jama-ath, Ernakulam Adv. Puzhakkara filed vakkalath for respondents. For counter. Posted to 11.09.2024
77.	AA No. 110/2024 Thajul Ma Arif Madrassa and Arabic College, Ernakulam Heard. Allowed. For orders. Posted to 11.09.2024
78.	OP No. 154/2023 Cheruthuruthi Juma Masjid and Madraasa Committee, Thrissur IA No. 202/2024, IA No. 203/2024, 204/2024. Copies served. For counter. Interim Muthawalli submitted interim report. Serve copy. Application for remuneration. (for orders in remuneration). Posted to 11.09.2024
79.	OP No. 122/2023 Kuttulanji Methala Muhiyudeen Juma Masjid, Ernakulam OP Heard. For orders. Posted to 07.08.2024
80.	OP No. 120/2024 Nainar Pally Central Jama-ath Committee, Kottayam Notice served through special messenger. R1, 3, 4 accepted notice but failed to appear. Name called. Absent. Set exparte. R2 refused to receive the notice. The Board in IA No. 177/2024 had passed an order to the effect that the respondent committee shall accept subscription fee from the petitioner and include the name of the petitioner in the voters list. The petitioner submits that he had sent the subscription fee through money order. But the committee refused to accept the same and further submitted that his name is not included in the voters list. The respondent committee had willfully disobeyed the directions issued from the Board.

	In such circumstances the election scheduled by the respondent committee without permitting the petitioner to exercise his right of voting as member is a flat violation of legal orders and the rights of the petitioner. Hence the election scheduled by the respondent committee for electing new managing committee is stayed by the Board. The Committee shall appear directly before the Board on 11.09.2024.
81.	OP No. 210/2023 Kottol Mahal Central Juma Masjid Committee, Thrissur IA No. 177/2024 advance hearing application filed by the petitioner. IA No. 149/2024 interim order passed for counter and hearing. Posted to 07.08.2024 IA No. 149/2024 Heard both parties. Nomination process is stayed until an order is passed in this IA.
82.	OP No. 191/2024 Pallippuzha Muhiyudheen Jama-ath Committee, Kasargode Issue notice to the respondents. Posted to 18.07.2024 IA No. 289/2024 Sharafudheen, Legal Assistant is deputed as observer in the general body meeting to be held on 05.07.2024. He shall be entitled for a batta of Rs. 3000/- which shall be paid by the petitioner.
83.	OP No. 124/2024 Paimattom Muslim Jama-ath, Ernakulam Issue notice to the respondents. Posted to 11.09.2024 IA No. 180/2024 Divisional Waqf Officer, Ernakulam is directed to depute an officer for auditing the accounts of the Jama-ath from 2019-2020 to 2023-2024. IA No. 181/2024 Heard. The petitioner had made out a prima facie case is made out and do hereby order that the respondent committee shall not conduct election without prior permission of the Board. Posted to 11.09.2024.
84.	OP No. 126/2024 Vadakkekara Muslim Jama-ath, Ernakulam Issue notice to the respondents. Posted to 11.09.2024 IA No. 126/2024 Heard. The petitioner had made out a prima facie case. All actions pursuant to Annexure A communication is stayed until further orders.
85.	OP No. 128/2024 Thottathumpady Muslim Jama-ath, Ernakulam Issue notice to the respondents. Posted to 07.08.2024
86.	OP No. 130/2024 Muhiyudheen Juma Masjid and irshadul Muslimeen Madrassa, Thrissur

	Issue notice to the respondents. Posted to 11.09.2024
87.	OP No. 132/2024 Kayaradi Muslim Jama-ath, Palakkad Issue notice to the respondents. Posted to 11.09.2024
88.	OP No. 134/2024 Masjidul Ijaba Muslim Jama-ath, Alappuzha Issue notice to the respondents. Posted to 07.08.2024
89.	OP No. 136/2024 Masjidul Ijaba Muslim Jama-ath, Alappuzha Issue notice to the respondents. Posted to 07.08.2024
90.	OP No. 138/2024 Masjidul Ijaba Muslim Jama-ath, Alappuzha Issue notice to the respondents. Posted to 07.08.2024
91.	IA No. 178/2024 in OP No. 142/2017 Farooq Juma Masjid, Thrissur Issue notice. Posted to 11.09.2024
92.	IA No. 196/2024 in OP No. 92/2023 Punukkannoor Muslim Jama-ath, Kollam Heard the parties. The respondent is not having objection in the IA. IA allowed. The order dated 10.01.2024 is modified to the extend that the election shall be conducted through secret ballot system. Modified order shall be issued from office.