

A DIARY
Dated: 20.01.2026

1.	<p>EP No. 6242/2018/TVM Chinnakkada Muslim Jama-ath, Kollam</p> <p>Order not ready. Posted to 11.03.2026</p>
2.	<p>IA No. 426/2025 in OP No. 184/2023 Thiruvananthapuram Muslim Jama-ath, Thiruvananthapuram</p> <p>Order passed vide separate sheet.</p> <p>The petitioners have filed IA No.427/2025 seeking reopening of the case in the interest of justice and IA No.426/2025 seeking adoption and incorporation of the full terms and conditions contained in the settlement agreement as part of the order dated 21.08.2025.</p> <p>This case was disposed of on 21.08.2025 on the basis of a compromise petition submitted by the parties. In the said order, the Board had accepted IA No.219/2025 and recorded the compromise as valid, and accordingly OP Nos.196/2023, 184/2023, and 118/2023 were treated as closed in terms of the settlement. The compromise was referred to in brief in the order as well as in the operative portion.</p> <p>Upon hearing the petitioner and perusing the order dated 21.08.2025 and the compromise petition, the Board finds that though the compromise was duly accepted and acted upon, the compromise petition and the detailed terms of settlement were not expressly made part of the order, which may give rise to ambiguity in implementation.</p> <p>The Board is therefore of the considered view that, in the interest of justice and for effective enforcement of the settlement, the order dated 21.08.2025 requires formal clarification and incorporation of the compromise terms.</p> <p>Accordingly, IA No.427/2025 is allowed and the case is reopened for the limited purpose of correction. IA No.426/2025 is also allowed. The order dated 21.08.2025 shall stand amended by adding a sentence in the concluding paragraph to the effect that the compromise petition and the terms of settlement submitted along with IA No.219/2025 shall form part and parcel of the order.</p> <p>The Office is directed to issue a corrected order incorporating the</p>

	above clarification, along with a copy of the compromise petition and settlement terms, to all parties.
3.	<p>OP No. 68/2021 Shasthamkotta Pallisserikkal Muslim Jama-ath, Kollam</p> <p>Order passed vide separate sheet. Posted to 11.03.2026</p> <p>This Original Petition is filed under Sections 32, 47, and 70 of the Waqf Act, 1995, seeking audit of the accounts of the Waqf and for allied reliefs. During the pendency of the matter, this Board had appointed a Returning Officer for conducting election to the Jama-ath Committee. While the matter was pending, IA No.192/2022 was filed, pursuant to which Advocate P.A. Salam was appointed as Advocate Commissioner for physical inspection of the property with the assistance of an expert engineer. The Commissioner submitted a final report and an additional report after a second inspection. Both parties have filed detailed objections to the Commission reports.</p> <p>On consideration of the objections and upon hearing both sides, this Board finds that the Commission reports cannot be relied upon for the purpose of adjudication. The valuation and assessments made by the Commissioner do not correspond with the statutory audit report ordered by the Board. The Commissioner has not verified prevailing market rates of materials, nor have labour charges been assessed in accordance with applicable Government rules and guidelines. Further, the bills, vouchers, and documents produced before the statutory auditor were not properly examined or reconciled while preparing the Commission reports. The methodology adopted for valuation is found to be unscientific, inconsistent, and incomplete, rendering the reports unreliable.</p> <p>In view of the above infirmities, and considering that the statutory audit is the primary mechanism prescribed under the Waqf Act for financial scrutiny, this Board is of the considered opinion that the Commission reports cannot form the basis for any finding or liability.</p>

	<p>Accordingly, the Commission report and the additional report submitted by the Advocate Commissioner are hereby set aside. The issues relating to financial accountability shall be examined and proceeded with only on the basis of the statutory audit and other legally admissible materials, in accordance with law.</p>
4.	<p>OP No. 10/2015 Rifayeen Juma Masjid, Kollam</p> <p>Order passed vide separate sheet.</p> <p>The petitioner has approached this Board by filing the present Original Petition seeking, inter alia, to conduct an inquiry into the administration and management of Rifaayi Juma Masjid, Kuttichira, Kollam, to ensure proper statutory oversight of its affairs, to take action for non-registration of the Masjid before this Board, to initiate penal proceedings against respondents 2 to 4 for alleged violations of the provisions of the Waqf Act, to deploy officers of the Board for supervision of the Aandu Nercha conducted annually, to ascertain the income derived from the said Aandu Nercha and other collections including Friday offerings, and for other consequential reliefs.</p> <p>According to the petitioner, he is a member of Chinnakkada Muslim Jamaath, which is an admittedly registered Waqf under the Kerala State Waqf Board. It is his specific case that Rifaayi Juma Masjid is situated in and forms part of the property belonging to Chinnakkada Muslim Jamaath, and that respondents are office bearers associated with the said Waqf. The petitioner alleges that notwithstanding the above, Rifaayi Juma Masjid has been functioning independently as a separate administrative unit, without proper statutory control or accountability to the Board.</p> <p>It is further alleged that every year an Aandu Nercha, extending over a period of three to four days, is conducted in the Jamaath, which is a religious observance of nearly 200 years' antiquity. Originally, the said festival was known as "Chiranercha"</p>

and was conducted separately by three groups on different days, namely Kuzhivila, Pulikkal Padinjattathil, and Puthikkal Kizhakkathil. For the past nearly two decades, these three groups are stated to be conducting the Aandu Nercha jointly along with the Rifaayi Juma Masjid Committee, and substantial income is allegedly generated from offerings and public contributions. The petitioner has raised serious allegations regarding the collection, accounting, and utilisation of such income and contends that no proper accounts are being submitted before the Board.

The respondents entered appearance and filed their pleadings. The records placed before the Board disclose that every year the Board has been deputing officers to supervise the conduct of the Aandu Nercha, thereby acknowledging the necessity of statutory supervision. It is also seen that this Board has already passed orders directing audit of the accounts of the Jamaath for the period from 2018–19 to 2023–24, and the said audit has been entrusted to the competent authority. Upon completion of the audit, the Divisional Waqf Officer is required to verify the audit report, call for objections or explanations, issue corrective directions wherever warranted, and, if any loss or recoverable amount is certified by the auditor, place the matter before the Board on the administrative side for further action in accordance with law.

With respect to the issue of registration, the files reveal that the Divisional Waqf Officer, Thiruvananthapuram, had earlier granted a separate registration to Rifaayi Juma Masjid, against which proceedings were initiated before the Waqf Tribunal. The Tribunal had set aside the said registration and directed reconsideration after affording opportunity to all stakeholders. The matter is presently sub judice before the Honourable High Court of Kerala in CRP (Waqf) No. 21/2025. In view of the pendency of the said proceedings, this Board is statutorily restrained from entertaining or adjudicating the prayer for fresh registration at this stage.

The records further show that an Executive Officer has been appointed under Section 38 of the Waqf Act for carrying out

statutory functions in relation to the Waqf, and the said officer is presently functioning. The Executive Officer is under a continuing obligation to submit periodic statements of accounts and reports regarding the functioning of the Jamaath before this Board.

On an overall consideration of the pleadings, records, and the statutory scheme, this Board is of the considered view that the issues raised by the petitioner cannot be brushed aside as mere internal disputes, particularly in view of the antiquity of the Aandu Nercha, the scale of public participation, and the recurring inflow of funds. Transparency, accountability, and protection of Waqf assets are not matters of discretion but are statutory imperatives.

At the same time, the Board is conscious of the limits of its jurisdiction in view of pending judicial proceedings. Therefore, while the question of registration is left open to be decided in accordance with the outcome of the proceedings before the Honourable High Court, the Board is duty-bound to ensure effective supervision, inquiry, and regulatory compliance in respect of administration, income, and management of the Waqf.

Accordingly, the Original Petition is disposed of with the following directions:

1. The Divisional Waqf Officer, Thiruvananthapuram, shall conduct a comprehensive inquiry into the administration, management, properties, income, and expenditure of Rifaayi Juma Masjid, Kuttichira, Kollam, including but not limited to the income derived from Aandu Nercha, Friday collections, donations, and other public contributions, and shall submit a detailed and reasoned report before this Board.
2. For the purpose of supervision of Aandu Nercha, a standing direction is issued to the Divisional Waqf Officer, Thiruvananthapuram, to depute not less than three officers every year for supervising the conduct of the Aandu Nercha at Rifaayi Juma Masjid.
 - o The respondents shall intimate the date of Aandu Nercha at least two weeks in advance to the Divisional

	<p>Waqf Officer.</p> <ul style="list-style-type: none"> ○ The deputed officers shall submit a detailed supervision report, which shall be verified by the Divisional Waqf Officer and placed before the Board wherever further action is warranted. <ol style="list-style-type: none"> 3. The Divisional Waqf Officer shall call for and verify the accounts relating to Aandu Nercha every year, and issue appropriate directions for rectification of defects, if any, in accordance with law. 4. The Executive Officer appointed under Section 38 of the Waqf Act shall submit monthly statements of accounts and periodical reports regarding the functioning of the Jamaath and the Masjid before this Board without fail. 5. All respondents and persons in charge of the administration of Rifaayi Juma Masjid are hereby directed to extend full cooperation to the Divisional Waqf Officer, the Executive Officer, and any officer deputed by the Board. <ul style="list-style-type: none"> ○ Non-cooperation, obstruction, or suppression of records shall be viewed seriously and may invite proceedings under the relevant provisions of the Waqf Act and allied laws. 6. The prayer relating to registration of the Waqf is left open, subject to the outcome of CRP (Waqf) No. 21/2025 pending before the Honourable High Court of Kerala. <p>With the above directions, the Original Petition stands disposed of.</p>
5.	<p>OP No. 240/2023 N. M. A. Hanafy Jama-ath, Kollam Order not ready. Posted to 11.03.2026</p>
6.	<p>OP No. 162/2024 Muthirapparamb Muslim Jama-ath, Kollam Order passed vide separate sheet.</p> <p>The petitioner filed this Original Petition seeking to restrain the respondents from taking any illegal and arbitrary action against him, to direct the respondents to allow him to continue as a Council Member of the Management Committee, and to restrain the</p>

respondents and others from unlawfully interfering with his functioning, along with other incidental reliefs. The petitioner contends that the respondents acted in violation of the bylaws of the first respondent institution, *Jama-ath*, by issuing a notice alleging “indiscipline” without affording due process. It is alleged that the action is mala fide and intended to unlawfully remove the petitioner from his elected/appointed position. The petitioner states that he filed a complaint dated 07-08-2024 before the Chief Executive Officer of the Board narrating these illegal actions, but no remedial steps were taken. The records reveal that a statutory notice, was duly served upon the respondents. Despite such service, the respondents failed to appear or file any reply, and were therefore set ex parte. The petitioner thereafter filed his ex parte proof affidavit on 03-04-2025 along with the above notice, copy of the complaint, and a copy of the byelaws of *Jama-ath*.

On consideration of the materials on record, it is evident that the respondents issued the impugned notice without following the mandatory procedure laid down in the byelaws, which require prior inquiry, due notice, and an opportunity to be heard before any disciplinary action is taken. The respondents’ absence from this proceedings despite service of notice warrants an adverse inference against them. The documentary evidence produced by the petitioner remains uncontroverted, thereby substantiating the claim that the action was unilateral and arbitrary. The Board finds that the petitioner’s right to hold office as a Council Member should not be interfered with except in strict compliance with the byelaws and the principles of natural justice. Permitting the respondent’s arbitrary action would set a precedent of illegality and undermine the statutory safeguards provided to members of the institution.

In the above circumstances, this Board restrains the respondents from taking any further action pursuant to the impugned notice without adhering to the prescribed procedure under the bylaws. The respondents are directed to permit the petitioner to continue to function as a Council Member of the Management Committee of *Jama-ath* unless and until lawfully removed in accordance with the bylaws. The respondents and any

	<p>other persons acting under them are further restrained from interfering with the lawful functioning of the petitioner in the said position. However, liberty is reserved to the respondents to initiate fresh proceedings, if so advised, strictly in accordance with the byelaws and after giving the petitioner due notice and an opportunity of hearing. It is further directed that failure to comply with the directions contained in this order will attract the penal consequences contemplated under Section 61 of the UMEED Act, and appropriate criminal proceedings may be initiated against the respondents in the event of willful violation.</p>
7.	<p>OP No. 08/2025 Kumarapuram Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 11.03.2026</p>
8.	<p>OP No. 188/2023 Kattumurakkal Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 11.03.2026</p>
9.	<p>OP No. 224/2024 Punukkannoor Muslim Jama-ath, Kollam</p> <p>Order passed vide separate sheet.</p> <ol style="list-style-type: none"> 1. The petitioners have filed the above Original Petition seeking framing of a scheme for <i>Punukkannoor Muslim Jamaath</i> on the ground that there is no written byelaw governing the functioning of the Jamaath, alleging mismanagement and lack of accountability on the part of the committee. Along with the petition, a draft scheme was also produced for consideration. 2. The respondents have filed a counter denying the allegations of mismanagement, while admitting that there is no written byelaw for the Jamaath and contending that the Jamaath is being administered on the basis of long-standing customs, precedents, and practices. It is also on record that this Board had already passed orders for conduct of election to the Jamaath Committee through secret ballot in the presence of an observer deputed by the Board and that subsequent proceedings were initiated staying the General Body and

	<p>election on the basis of another petition filed by the petitioners.</p> <p>3. It is admitted that the voters' list and administration of the Jamaath are based on <i>Maulood Raav</i>, customs, and precedents. When the matter was taken up on 21/08/2025, neither the petitioners nor their counsel appeared before the Board. Hence the Board recorded the same and posted the matters for orders. So far the party had not approached the Board for re-opening also. In the above circumstances, it is reasonably presumed that the petitioners are not interested in prosecuting the petition further.</p> <p>4. In view of the above, the Original Petition is dismissed for default. The interim orders, if any, shall stand vacated.</p>
10.	<p>OP No. 238/2025 Chittumoola Muslim Jama-ath, Kollam Order passed vide separate sheet in IA No. Posted to 11.03.2026</p> <p>The petitioners have filed OP No.238/2025 challenging the rejection of their nomination papers for the election to the Administrative Committee of Chittumoola Muslim Jama-ath scheduled on 24.08.2025. Along with the Original Petition, IA No.333/2025 was filed seeking stay of the election, contending that though their names are included in the voters' list, their nominations were illegally rejected on the alleged ground of arrears, without publication of any defaulters' list and despite their attempt to remit the alleged dues through Google Pay and Demand Drafts dated 16.08.2025, which were allegedly refused by the Secretary of the Jama-ath. Considering the urgency and the allegations of arbitrary rejection of nominations, this Board, by interim order dated 21.08.2025, stayed the election scheduled on 24.08.2025 insofar as Ward No.7 is concerned.</p> <p>Respondents 1 and 3 have filed counter affidavits seeking vacating of the interim stay, contending that as per the election notification dated 10.08.2025 and the directions issued by the Returning Officer, every candidate was required to submit a consent certificate issued by the Secretary certifying that the candidate is free from arrears, and that the time for clearing arrears</p>

was specifically fixed as 14.08.2025 at 5.00 p.m. It is contended that the petitioners admittedly attempted to remit the alleged dues only on 15.08.2025 and 16.08.2025, i.e., after the cut-off date, and therefore failed to satisfy the mandatory eligibility conditions. The Returning Officer, who is the 2nd respondent, has also filed a counter affidavit stating that the petitioners failed to produce the mandatory consent certificate and were not free from arrears as on the notified cut-off date, and hence their nominations were rejected strictly in accordance with the bye-laws and the election notification.

This Board had carefully considered the pleadings, counter affidavits and materials on record. At the outset, it is to be noted that inclusion of a person's name in the voters' list only confers the right to vote and does not automatically confer a right to contest the election. The right to contest an election is governed by the bye-laws and the election notification, and compliance with the eligibility conditions prescribed therein is mandatory. The election notification dated 10.08.2025 clearly stipulates that a candidate must be free from arrears and must produce a consent certificate issued by the Secretary to that effect, and also prescribes a definite cut-off date for clearing arrears. Such cut-off dates are essential to ensure certainty, fairness and orderly conduct of the election process, and cannot be relaxed at the discretion of the Returning Officer or the Jama-ath Committee.

It is an admitted position that the petitioners attempted payment of the alleged arrears only after the expiry of the cut-off date. Once the prescribed time limit expired, no legal right accrued to the petitioners to insist upon acceptance of belated payment or issuance of a consent certificate. Acceptance of such belated compliance would amount to arbitrary relaxation of mandatory conditions and would result in unequal treatment of other candidates who complied with the notification within the stipulated time. The contention of the petitioners that no defaulters' list was published does not dilute the mandatory nature of the eligibility condition, when the responsibility to clear arrears within the notified time and to produce the requisite certificate is squarely cast

	<p>upon the candidate.</p> <p>It is well settled that interference with the election process at an interlocutory stage should be exercised with extreme restraint, and that elections should ordinarily be allowed to proceed in accordance with the notified schedule unless a clear case of illegality, mala fides or violation of statutory provisions is established. In the present case, the materials on record prima facie indicate that the rejection of the petitioners' nominations was based on objective and uniform application of the eligibility conditions, namely non-production of the mandatory consent certificate and failure to clear arrears within the stipulated time. No material is placed before this Board at this stage to show that the Returning Officer acted with mala fides, bias or in violation of the bye-laws.</p> <p>On a consideration of the entire facts and circumstances, this Board is of the view that the interim stay was granted at a preliminary stage based on allegations, and that on a fuller consideration of the counter affidavits and records, no prima facie case survives for continuance of the stay. The balance of convenience lies in permitting the election process to proceed, and continuation of the stay would cause prejudice to the Jama-ath and its members by indefinitely stalling the democratic process. Accordingly, the interim order dated 21.08.2025 staying the election scheduled on 24.08.2025 for Ward No.7 of Chittumoola Muslim Jama-ath is hereby vacated.</p>
11.	OP No. 142/2024 Paravoor Muslim Jama-ath, Kollam Order not ready. Posted to 11.03.2026
12.	OP No. 02/2021 Kilikolloor Valiya Pally Muslim Jama-ath, Kollam Order not ready. Posted to 11.03.2026
13.	OP No. 258/2024 Manikkal Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 11.03.2026
14.	OP No. 144/2024 Vakkam Kizhakke Muslim Jama-ath, Thiruvnanthapuram Order passed vide separate sheet.

	<ol style="list-style-type: none"> 1. The above Original Petition was filed under Sections 32, 45, 70 and 71 of the Waqf Act, 1995, seeking directions to conduct audit of the accounts of the Jama-ath for the period from 2014 to 2024, to take appropriate action against persons responsible in the event of illegal utilisation or loss of Waqf funds, to appoint a Returning Officer for conducting election to the Jama-ath Committee, and for other consequential reliefs. 2. It is seen from the records that, pursuant to the order passed in IA No. 309/2024, Advocate Kaniyapuram Haleem was appointed as Returning Officer to conduct election to the Jama-ath Committee. The Returning Officer has completed the election process in accordance with law and submitted his report before this Board. 3. With regard to the audit of accounts, this Board had already issued directions to the Divisional Waqf Officer to appoint a qualified auditor to conduct audit of the Jama-ath accounts for the relevant period. The audit proceedings have thus been set in motion in compliance with the directions of this Board. 4. In view of the fact that the election to the Jama-ath Committee has been duly conducted and that necessary directions for audit have already been issued, no further adjudication is required in the present Original Petition. 5. It is made clear that upon receipt of the audit report, the Divisional Waqf Officer shall verify the same, call for explanations from the concerned persons with respect to the defects, irregularities, or objections pointed out by the auditor, and issue appropriate directions for rectification. If any amount is certified by the auditor as liable to be recovered from any person, the Divisional Waqf Officer shall forward the matter to the Board through the administrative side for further action in accordance with law. Accordingly, the Original Petition is closed.
15.	OP No. 12/2025 Manjappara Muslim Jama-ath, Kollam Order not ready. Posted to 11.03.2026
16.	<p>EP No. 2987/2019 Anappuzhakkal Muslim Jama-ath, Kollam Order passed vide separate sheet.</p> <ol style="list-style-type: none"> 1. Inquiry proceedings were initiated on the basis of objections filed by the petitioners, Shiyas and others, challenging the amendment of the by-law of Anappuzhakkal Muslim Jama-ath. Notices were duly issued to the petitioners as well as to the respondents, namely the President

	<p>and Secretary of the Jama-ath Committee, and the matter was taken up by the Judicial Sitting of the Board.</p> <ol style="list-style-type: none"> 2. The matter was posted for arguments on 10.09.2025. On the said date, neither the petitioners nor their counsel appeared before the Board. Consequently, the matter was posted for orders to 12.11.2025. Thereafter, the matter was listed on further dates; however, no petition was filed by the petitioners seeking reopening of the matter for hearing, nor was any representation made on their behalf. 3. It is also relevant to note that the objection had earlier been dismissed for default and was restored only on the application of the petitioners upon payment of costs of ₹1,000/-. Despite such indulgence granted by the Board, the petitioners again failed to appear and prosecute the proceedings. 4. The continued absence of the petitioners, despite sufficient opportunity, clearly establishes that they are not interested in pursuing the objection. Proceedings before the Board cannot be allowed to be kept pending indefinitely due to the inaction of a party, particularly when the matter concerns administration of a Jama-ath. 5. In these circumstances, this Board is satisfied that no further indulgence is warranted. <p>Accordingly, the objection filed by the petitioners against the amendment of the bye-law of Anappuzhakkal Muslim Jama-ath is dismissed for default.</p>
17.	<p>OP No. 140/2024 Kilikolloor Thekkumkara Muslim Jama-ath, Kollam Order not ready. Posted to 11.03.2026</p>
18.	<p>OP No.88/2025 Karuva Muslim Jama-ath, Kollam Order not ready. Posted to 11.03.2026</p>
19.	<p>OP No. 236/2025 Olloorkkonam Muslim Jama-ath, Kollam Order passed vide separate sheet.</p> <ol style="list-style-type: none"> 1. The petitioner has approached this Board by filing the present Original Petition seeking directions to (i) reinstate his membership in Olloorkkonam Muslim Jama-ath, (ii) set aside the fine allegedly imposed on him, and (iii) restrain the Jama-ath from enforcing any direction compelling him to make a public apology. 2. The petitioner contends that he has been a member of the Olloorkkonam Muslim Jama-ath for nearly 30 years and that a verbal altercation occurred between him and the Muadhin on 01.07.2024, which, according to him, was amicably settled. He alleges that due to personal

animosity, the Jama-ath Committee initiated disciplinary action, expelled him from membership, imposed a fine of ₹ 10,000, and directed him to seek public pardon, which was allegedly announced during Friday prayers.

3. The respondents have denied the allegations and submitted that there was a physical altercation resulting in loss to the Muadhin. An urgent General Body meeting was convened and mediation was conducted, in which both parties participated. It is stated that the petitioner agreed to compensate the loss assessed at ₹ 10,000 and that both parties mutually sought pardon before the General Body. The respondents further contend that the petitioner was never expelled from the Jama-ath, that no fine is presently insisted upon, and that no restriction has been imposed on his Jama-ath membership or religious rights.
4. It is seen from the records and submissions that the Jama-ath Committee has expressed its willingness to waive the alleged fine. With regard to the allegation of defamatory statements made against the petitioner, no material evidence has been produced before this Board to substantiate the same. Hence, this Board is unable to record any finding on such allegations.
5. The materials on record indicate that the petitioner continues to be a member of the Olloorkonam Muslim Jama-ath and has availed Jama-ath services, including participation in religious activities. At the same time, it is evident that certain acts on the part of the petitioner also contributed to the dispute. A Jama-ath Committee is entitled to initiate reasonable disciplinary measures to maintain discipline; however, such measures shall not curtail the legal, civil, or religious rights of a member.
6. In the above circumstances, this Board finds that no case is made out for interference with the internal administration of the Jama-ath, except to the extent of safeguarding the petitioner's rights as a member.

Accordingly, the Original Petition is disposed of with the following directions:

- i. The petitioner shall be treated as a member of the Olloorkonam Muslim Jama-ath and shall be entitled to all religious and customary services available to its members.
- ii. The Jama-ath Committee shall not insist upon payment of any fine or impose any condition such as public apology as a precondition for extending Jama-ath services to the petitioner.

	iii. The Jama-ath Committee is at liberty to take appropriate disciplinary action, if necessary, strictly in accordance with law and custom, provided such action does not infringe upon the petitioner's legal, civil, or human rights.
20.	OP No. 176/2025 Kesavadasapuram Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 11.03.2026
21.	OP NO. 178/2025 Mylappore Muslim Jama-ath, Kollam Order passed in IA No. 235/2025 vide separate sheet. Posted to 11.03.2026
22.	OP No. 168/2024 Thadikkad Muslim Jama-ath, Kollam Serve amended copy to the respondent & for counter in I.A.No.431/2025 & counter in OP. Adv.Sajal filed vakalath for R6 11/02/2026
23.	OP No. 146/2024 Kerala Puram Muslim Jama-ath, Kollam For argument notes 11/03/2026
24.	OP No. 10/2024 Paravoor Muslim Jama-ath, Kollam RO is directed to conduct secret ballot election to the executive committee if election is required. For RO report 11/03/2026
25.	OP No. 232/2024 Chinnakkada Muslim Jama-ath, Kollam Stayed 11/03/2026
26.	OP No. 56/2024 Mavally Muslim Jama-ath, Kollam CR filed. For objection to CR. I.A.No.405/2024 & I.A.No.406/2024 for hearing. Petitioner produced documents . 11/02/2026
27.	OP No. 110/2025 Kattumurakkal Muslim Jama-ath, Thiruvananthapuram IA No. 111/2025. Returning officer filed report. OP Closed.
28.	OP No. 142/2025 N.M.A.HAnafi jama-ath, Kollam Order passed vide separate sheet in IA No. 28/2026. Posted to 11.03.2026 This Interlocutory Application is filed seeking appointment of an Interim Mutawalli/Administrator to manage the affairs of the first respondent Waqf, on the specific contention that the term of the existing Jama-ath Committee has admittedly expired, that their

right to continue as Mutawalli is seriously and bona fide disputed, and that they have willfully disobeyed and frustrated the lawful directions issued by this Board.

Section 63 of the UMEED Act, 2025 vests the Board with clear statutory authority to appoint any person to act as Mutawalli where there is a vacancy in the office of Mutawalli or where the right of any person to act as Mutawalli is disputed. The scope and object of this provision are preventive and protective in nature, intended to safeguard Waqf properties from mismanagement, administrative vacuum, abuse of office and self-perpetuation by persons whose authority has ceased or is under serious challenge. The power conferred under Section 63 is coupled with a statutory duty to intervene when continuance of an existing management is detrimental to the interests of the Waqf.

In the present case, the right of the respondents to continue as Mutawalli or Managing Committee stands clearly disputed. It is an admitted and undisputed fact that the term of the Jama-ath Committee has expired. It is also significant that the respondents themselves conceded before this Board that a fresh election is necessary and expressly agreed to conduct the same through a Returning Officer appointed by the Board. Acting on such conceding, this Board appointed Adv. Sajal Ebrahim as Returning Officer to conduct the election in accordance with the approved bye-laws.

However, instead of cooperating with the statutory process so initiated, the respondents adopted a deliberate and obstructive course of conduct. They refused to cooperate with the Returning Officer, withheld the voters' list and other essential records, avoided official communications, and thereby prevented the Returning Officer from taking charge and commencing the election process. The Returning Officer has submitted a detailed report narrating these facts. Further, when the matter came up before the Board on 20.01.2026, neither the respondents nor their counsel appeared before the Board, despite due notice. This absence, when viewed in the context of their earlier conduct, cannot be treated as

accidental or bona fide, but clearly reflects a willful attempt to avoid Board supervision and to frustrate the election through the Returning Officer appointed by this Board.

The conduct of the respondents, as revealed from the report of the Returning Officer and the earlier report of the observer appointed by the Board, discloses arbitrary, high-handed and authoritarian functioning, wholly inconsistent with the fiduciary character of a Mutawalli. A Mutawalli holds office as a trustee for the benefit of the Waqf and its beneficiaries and cannot treat the institution as a private fiefdom or defy the authority of the statutory regulator. Permitting such a committee, whose term has expired and whose authority is under serious challenge, to continue in control would cause grave prejudice to the Waqf, undermine democratic governance of the Jama-ath, and render the statutory powers of the Board under the UMEED Act, 2025 illusory.

This Board is therefore satisfied, on an objective assessment of the materials on record and the statutory scheme, that this is a fit and compelling case warranting immediate intervention under Section 63 of the UMEED Act, 2025. Mere issuance of directions or warnings would be wholly inadequate in the face of persistent non-cooperation and willful defiance exhibited by the respondents.

Accordingly, IA No.28/2026 is allowed. In exercise of powers under Section 63 of the UMEED Act, 2025, Adv. Sajal Ebrahim, who was earlier appointed as the Returning Officer by this Board and who could not take charge solely due to the deliberate non-cooperation of the respondents, is hereby appointed as **Interim Mutawalli-cum-Returning Officer** of the first respondent Waqf for a period of **six months** from the date of this order.

The Interim Mutawalli-cum-Returning Officer shall take charge of the administration of the Waqf forthwith, take custody of all records, accounts and properties of the Waqf, ensure uninterrupted religious and allied services to the beneficiaries, and shall conduct election to the Jama-ath Committee within the said

	<p>period of six months strictly in accordance with the approved bye-laws and after following all procedural formalities, including preparation and publication of the voters' list and issuance of proper notices.</p> <p>The existing Jama-ath Committee, whose term has expired and whose continuation is under serious challenge, is hereby directed to immediately hand over charge, records, accounts and custody of all Waqf properties to the Interim Mutawalli. Any act of obstruction, delay or non-compliance shall be viewed seriously and shall invite coercive and penal action under the UMEED Act, 2025 without further notice.</p> <p>The Interim Mutawalli-cum-Returning Officer shall be entitled to a monthly remuneration of Rs.25,000/-, payable from the funds of the Waqf, having regard to the nature of responsibilities entrusted and the necessity to ensure independent and effective administration. He shall submit periodic reports to the Board regarding the administration of the Waqf and the progress of the election process. It is further ordered that the Interim Mutawalli is hereby authorised to approach the concerned Station House Officer having jurisdiction, as and when required, seeking necessary police protection for the effective discharge of duties entrusted under the orders of this Board, including taking over administration, securing records, and facilitating the conduct of elections.</p> <p>On such request being made, the Station House Officer shall render necessary police assistance and protection, in accordance with law, to ensure due implementation of the orders of this Board and to prevent any obstruction or breach of peace.</p>
29.	OP No. 154/2025 Thevalakkara Shareeful Islam JAma-ath For counter 11/02/2026
30.	OP No. 180/2025 KeralaPuram Muslim JAma-ath, Thiruvanathapuram I.A.240/2025, I.A.No.241/2025 & I.A.No.242/2025- For counter

	11/03/2026
31.	OP No. 242/2025 Poonthura Puthenpalli Muslim Jama-ath, Thiruvananthapuram For counter in OP & I.A.NO.341/2025, I.A.No.342/2025 11/02/2026
32.	OP No. 246/2025 Kaduvinal Muslim Jama-ath, Alappuzha Call on 11/03/2026
33.	OP No. 224/2025 Thadikkad Muslim Jama-ath, Thiruvananthapuram Adv.Sajal filed vakalath for R1 and R2. For counter 11/02/2026
34.	OP No. 226/2025 Muhiyudheen Muslim Jama-ath, Thiruvananthapuram <ol style="list-style-type: none"> 1. This Original Petition is filed under Section 32 of the Wakf Act, 1995, seeking to set aside the decision of the respondent Jama-ath Committee vide Document No.1 dated 18/07/2025 and for consequential reliefs. 2. The petitioners contend that they are members and beneficiaries of the first respondent Jama-ath and that respondents 2 and 3 are the President and Secretary of the Jama-ath Committee. It is an admitted fact that the present committee assumed office on 02.08.2024 and that its term expired on 02.08.2025. The decision impugned in this OP, namely Document No.1 dated 18.07.2025, was taken close to the expiry of the committee's term and purports to exclude the petitioners from future administrative committees and restrain them from expressing their opinions in general body meetings. 3. On a perusal of Document No.1, it is evident that the respondent committee has assumed to itself powers which are neither conferred by the Jama-ath bye-laws nor sanctioned under the Wakf Act. Election to a Jama-ath Committee is a democratic process, and no individual member can be permanently or temporarily excluded from contesting elections or participating in general body deliberations except for legally sustainable reasons, supported by due process and upheld by a competent authority or court of law. 4. The materials on record disclose that the petitioners were not afforded a meaningful opportunity of hearing before the impugned decision was taken. Mere issuance of notices, followed by unilateral conclusions, does not satisfy the principles of natural justice. Any action having civil consequences must necessarily be preceded by fair procedure, reasoned decision-making, and authority of law, all of which are conspicuously absent in the present case.

	<p>5. Further, being general body members of the Jama-ath, the petitioners have an inherent right to participate in meetings and to express their views. The Jama-ath Committee has no authority to silence members or curtail their participatory rights, as such powers vest only with the general body or competent statutory authority in accordance with law.</p> <p>6. Despite service of notice, the respondents failed to prosecute their defence and did not place any material to justify the legality of Document No.1. In such circumstances, the decision dated 18.07.2025 cannot be sustained either on facts or in law.</p> <p>7. Accordingly, Document No.1 dated 18/07/2025 is hereby set aside as illegal, arbitrary, and without authority of law. It is declared that the respondent Jama-ath Committee had no legal competence to pass such a decision. The petitioners shall not be restrained from contesting elections or from participating and expressing their views in the general body meetings of the Jama-ath, subject to law and bye-laws.</p>
35.	<p>OP No. 122/2025 Chillakkal Muslim Jama-ath, Kollam Order passed vide separate sheet in IA No. 135/2025. Posted to 11.03.2026</p> <p>The above Original Petition is filed seeking an overall enquiry into the administration and management of Chilikkal Muslim Jama-ath and for consequential directions restraining the respondents from interfering with the smooth functioning of Chilikkal Town Juma Masjid. Along with the OP, IA No.135/2025 was filed seeking an interim direction restraining the respondents from interfering with the conduct of Juma prayers in Chilikkal Town Juma Masjid pending disposal of the OP. This Board had granted an interim direction on 23.04.2025. Thereafter, the respondents entered appearance, filed counter and both sides were heard in detail.</p> <p>The case of the petitioners is that they are permanent residents within the Mahal jurisdiction of Chilikkal Muslim Jama-ath and are regular worshippers attending daily and Juma prayers at Chilikkal Town Juma Masjid. The 1st respondent is the Chilikkal Muslim Jama-ath Waqf (Reg. No.4005/RA) and respondents 2 and 3 are its President and Secretary. According to the petitioners, the respondents are continuing in office without any written bye-law or scheme of administration, without convening general body meetings or conducting elections, though all Muslim male members above 18 years residing within the Mahal are entitled to be members of the general body. It is their specific case that under the Jama-ath, two Juma Masjids have been functioning for several years—one near the sea and the other at Polikkara Junction known as Chilikkal Town Juma Masjid—situated about 700 meters apart. The Town Juma Masjid is situated in a developing township where a</p>

large number of worshippers depend on it for daily and Friday prayers. After completion of renovation of the Chillikkal Juma Masjid by the end of 2024, respondents 2 and 3 allegedly attempted to stop Juma prayers therein without any decision of the general body and against the wishes of Mahal members. It is also pointed out that the Hon'ble High Court of Kerala, in W.P.(C) No.13534/2025, granted interim police protection for conduct of Juma prayers in the said mosque.

The respondents opposed the IA contending that the building where Juma prayers are conducted lacks valid construction permit, completion certificate, fitness certificate, fire and safety clearance and structural stability certificate, as revealed through RTI information from the local authority. They alleged that the construction was illegally undertaken by the previous committee and that the present committee is taking steps to regularise the same. They further contended that conducting Juma prayers in the said mosque is against religious principles based on a fatwa obtained from scholars and that allowing Juma prayers in an allegedly unsafe structure endangers the lives of worshippers. It is also alleged that the petitioners are acting at the behest of former office-bearers and that there is already an existing Juma Masjid within walkable distance, making a second Juma unnecessary.

The petitioners denied the allegations of factionalism and contended that the attempt to stop Juma prayers is arbitrary, contrary to long-standing practice and detrimental to the interests of the Mahal members and the waqf. They further argued that the existence of two or more Juma Masjids within a single Mahal or town is neither prohibited by law nor uncommon in Kerala.

After considering the pleadings, documents and rival submissions, the Board finds that it is an admitted fact that Chilikkal Town Juma Masjid was constructed using waqf funds by the erstwhile committee, inaugurated and put to use, and that regular prayers as well as Juma prayers have been continuously conducted therein for several years. It is also admitted by the respondents themselves that Juma prayers were conducted in the said mosque for a long period. No case is made out by the respondents that there are insufficient worshippers to constitute a valid Juma congregation. On the contrary, the arguments put forth by both parties indicate that a substantial number of worshippers depend on the Town Juma Masjid, particularly considering its location in a developing township.

The principal objection raised by the respondents to the conduct of Juma prayers in Chilikkal Town Juma Masjid is that the building allegedly lacks proper permits, completion certificate and safety clearances. However, the Board finds it significant and telling that **the respondents have never**

contended that the mosque is unsafe for conducting the five daily prayers. Their objection is selectively raised **only against Friday Juma prayers.** This clearly establishes that the alleged concern regarding structural safety is not bona fide. If the building were genuinely unsafe, the respondents would not have permitted daily prayers to be conducted therein. The selective objection to Juma prayers alone exposes the true intention of the respondents, namely, to prevent the conduct of Friday prayer for extraneous and unfair reasons.

The Board finds no merit in the contention that Juma prayers cannot be conducted in more than one mosque within the same Mahal or town. Such a contention is factually incorrect and legally untenable. It is a matter of common knowledge, and also borne out from practice, that in Kerala several towns and Mahals have more than one Juma Masjid functioning simultaneously, depending upon population density, convenience of worshippers and local requirements. The respondents' reliance on a fatwa cannot override long-standing practice, the admitted factual position and the statutory powers of the Board under the UMEED Act, 1995. Fatwa, by its nature, is advisory and cannot be enforced to curtail the religious rights of worshippers or to disrupt established religious practices, particularly in the absence of consensus of the general body. In any event, religious opinion cannot be selectively invoked to curtail the collective religious rights of worshippers when the mosque has been functioning as a Juma Masjid for years.

With regard to the alleged lack of building permit, completion certificate or safety clearances, the Board is of the view that these issues squarely fall within the jurisdiction of the concerned local authority. Significantly, the respondents themselves admit that they are taking steps to regularise the construction. Being the Muthavalli and office-bearers of the Jama-ath, it is their statutory and fiduciary duty to protect the waqf, safeguard waqf property and ensure that constructions made using waqf funds are duly regularised in accordance with law. The alleged infirmities in construction cannot be used as a pretext to abruptly stop Juma prayers in a mosque which has been functioning for years and which serves the religious needs of a large section of Mahal members.

The only issue that arises for consideration in IA No.135/2025 is whether Juma prayers in Chilikkal Town Juma Masjid are liable to be stopped pending disposal of the OP. In the facts and circumstances of the case, the Board finds no legal or factual justification to interfere with the conduct of Juma prayers. Stoppage of Juma prayers would seriously prejudice the religious rights of worshippers and disturb public order, especially when the

	<p>Hon'ble High Court has already granted police protection for conduct of prayers. At the same time, the Jama-ath committee is bound to take earnest and time-bound steps to regularise the construction and comply with statutory requirements.</p> <p>In view of the above findings and in exercise of the powers conferred on the Board under the UMEED Act, 1995, IA No.135/2025 is allowed. The interim direction granted on 23.04.2025 is hereby confirmed. The respondents are restrained from interfering in any manner with the conduct of daily prayers and Juma prayers at Chilikkal Town Juma Masjid. It is further directed that the Jama-ath committee shall take immediate and effective steps to regularise the construction of the mosque before the competent local authority and ensure compliance with all applicable safety and statutory requirements, as part of their obligation to protect waqf property and waqf funds.</p>
36.	<p>OP No. 116/2025 Paravoor Chillakkal Muslim Jama-ath, Kollam Order passed vide separate sheet in IA No. 119/2025. Posted to 11.03.2026</p> <p>Since the very same relief sought in the present IA for permitting and protecting the conduct of Juma prayers in Chilikkal Town Juma Masjid has already been considered and ordered in IA No.135/2025 in OP No.122/2025, which was heard along with this matter, this Board finds no reason to pass a separate or divergent order.</p> <p>Accordingly, the order passed in IA No.135/2025 in OP No.122/2025 shall govern the present matter as well. The respondents are restrained from interfering in any manner with the conduct of Friday Juma prayers in Chilikkal Town Juma Masjid, subject to the directions already issued therein.</p>
37.	<p>I.A.No.290/2025 in OP No.10/2019 Chinnakkad Muslim Jama-ath, Kollam Counter in I.A.No.290/2025 filed, serve copy of I.A.No.319/2025. . For hearing 11/03/2026</p>
38.	<p>I.A.No.391/2025 in OP No.220/2023 Cost not paid order not complied.I.A.No.391/2025. Dismissed.</p>
39.	<p>OP No. 166/2025 Kottukad Muslim Jama-ath, Kollam</p>

1. The above Original Petition was filed by the petitioner seeking a direction to restrain the respondents from demolishing, reconstructing, or otherwise altering any portion of *Khadiiya School*, described in Document No. 3, which functions under the first respondent Jama-ath, except in accordance with the byelaws and only with prior permission of this Board, along with other consequential reliefs.
2. At the initial stage, this Board, after hearing the parties, passed an interim order in **IA No. 208/2025**, restraining respondents 1 to 5, their agents, contractors, servants, or any person acting under their instructions, from demolishing, pulling down, reconstructing, materially altering, or removing any portion of the school building or other structures mentioned in Document No. 3, and from commencing or permitting any construction activity at the said site, save and except such incidental work as was strictly necessary for safety or ordinary maintenance, and that too only after giving prior notice to the Board.
3. While the matter was pending before the Board, the Parent Teachers' Association (PTA) of the school was impleaded as a party. Subsequently, the petitioner filed a **Not Press Memo** stating that the relief intended to be secured by filing the OP has been achieved by the interim order in IA No. 208/2025 and, therefore, no further orders are required in the matter. The petitioner accordingly sought permission to not press the Original Petition.
4. The Board heard the petitioner as well as the respondents. It is seen that the petitioner has voluntarily expressed an intention to not press the Original Petition and does not seek adjudication on merits. There is no legal impediment to permitting the petitioner to withdraw or not press the proceedings. However, once the Original Petition is dismissed as not pressed, the interim orders passed during the pendency of the proceedings cannot survive independently and must necessarily stand vacated.
5. In the above circumstances, and in the interest of justice, the petitioner is permitted to not press the Original Petition,

	<p>making it clear that the interim order passed in IA No. 208/2025 shall stand vacated automatically upon dismissal of the Original Petition as not pressed.</p> <p>Accordingly, the Original Petition is dismissed as not pressed.</p>
40.	OP No. 290/2025 Thumbamanthodi Muslim Jama-ath, Kollam Notice to R1, R3, R4,R6 served. Adv.Sajal proposed vakalath for all respondents. For counter in I.A.No.433/2025 & 434/2025 & Counter in OP 11/03/2026.
41.	OP No. 292/2025 Porukkara Muslim Jama-ath, Kollam Adv.Jani filed vakalath for all respondents. For counter in I.A.No.438/2025 & counter in OP filed 11/03/2026
42.	OP No. 306/2025 Karunagappally Muslim JAma-ath Adv.Badarudheen for R1 and R2. Adv.Abdul Salim for R3 and R4. For counter in I.A.No.463/2025 & Counter and hearing in I.A.No.30/2026 and hearing. IA No. 35/2026 commissoner application. Heard. Allowed. Adv. Mohammed Khan H is appointed as advocate Commissioner to inspect the construction will going on and also verify the permit and plan. Aforesaid commissioner shall issue notice to the executive officer while inspection and to all parties. Parties are at liberty to submit work memo. Pay Rs. 7500/- as batta to the commissioner by the petitioner. For commission report. Posted to 11/03/2026
43.	OP No. 308/2025 Manjappara Muslim Jama-ath, Kollam Adv.Subhash for 4 th respondent. Adv.Unniraja offered vakalath for R1 to R3. For counter in I.A.No.31/2026 & for CR & Counter in OP 11/02/2026
44.	OP No. 06/2025 Valuthamanal Muslim Jama-ath, Kollam. For Ex- parte Chief Affidavit 11/03/2026.
45.	OP NO.58/2025 Thattamala Muslim Jama-ath, Kollam CR filed. Copy given, for objection if any. For counter in I.A.No.466/2025 & I.A.No.467/2025 11/02/2026
46.	OP No. 104/2025 Pezhummoode Puthenpally JAma-ath, Thiruvanathapuram Counter filed. Steps & production of order 11/03/2026
47.	OP No. 52/2025 Salsabeel Salafi Masjid Paripalana Committee, Kollam

	I.A.No.54/2025 & steps 11/03/2026
48.	OP No. 202/2025 Alamkode Muslim Palli Jama-ath, Thiruvananthapuram I.A.No.429/2025 Not pressed, Dismissed. I.A.No.494/2025 – impleading petition. For counter 11/02/2026
49.	OP No. 288/2025 Oachira North Muslim Jama-ath, Kollam For counter in I.A.No.420/2025, 421/2025, 422/2025,423/2025 & Hearing 11/02/2026
50.	OP No.284/202 Kilikkolloor Siyaarathumood Muslim Jama-ath Kollam For counter in I.A.No.417/2025, For counter in OP Await R/N 11/03/2026
51.	OP No. 192/2024 Darussalam Juma Masjid, Kollam Chief affidavit by the petitioner filed. Adv. Sheeba is appointed as advocate commissioner to record evidence. Pay Rs. 2500/- per day per witness. For commission report. Posted to 11.03.2026.
52.	OP No. 332/2025 Manakkad Valiya Pally Muslim Jama-ath, Thiruvananthapuram Adv. Reshma filed vakkalath for R1. Notice to R2 to R4 served. Name called. Set exparte. Posted to 11.03.2026
53.	OP No. 256/2023 Ponnad Mahallu Muslim Jama-ath, Alappuzha Order passed in IA No. 260/2023. Posted to 11.03.2026 1. The present Interlocutory Application is filed seeking to restrain the respondents from carrying out any construction in the Waqf property without obtaining prior sanction from the competent authority. 2. The respondents have categorically submitted that no new construction is proposed and that the Jama-ath Committee intends only to carry out essential maintenance works, including erection of air-conditioning facilities in the mosque premises, especially in view of the approaching Ramzan month. During the course of hearing, the petitioner fairly conceded that he has no objection to such maintenance works, provided no new construction is undertaken.

3. As per the Waqf Rules, prior permission is required only for new construction or structural alteration of Waqf properties. Routine maintenance works, which do not involve new construction, may be carried out subject to compliance with the provisions of law.
4. In the above circumstances, this Board finds no reason to restrain the Jama-ath Committee from carrying out maintenance works, while ensuring that no unauthorised construction is undertaken.

Accordingly, the Interlocutory Application is disposed of with the following directions:

- i. The Jama-ath Committee is permitted to carry out maintenance works in the Jama-ath and to erect air-conditioning facilities in the mosque premises, in accordance with law.
- ii. The Jama-ath Committee shall not carry out any new construction in the Waqf property without obtaining prior sanction from the competent authority.

54. OP No. 238/2024 Punnappadam Kakkod Puthen Pally, Palakkad

The Original Petition has been filed by the petitioners seeking, inter alia, audit of the accounts of the first respondent Waqf for the period from 2019–2024, fixation of personal liability on respondents 3 to 7 for the alleged loss caused to the Waqf, restraint on the second respondent Caretaker Committee from taking policy decisions in relation to the affairs of the Waqf, setting aside the election allegedly conducted on 28.02.2024, direction to respondents 6 and 7 to permit the petitioners to attend the General Body and to accept their monthly subscription, appointment of a Returning Officer to conduct a free and fair election to the Jama-ath Committee, and for other consequential reliefs.

At the outset, this Board records that the issues raised in the Original Petition are of a serious nature and go to the very root of lawful, democratic, and accountable administration of a Waqf. The grievances are not confined to individual disputes, but disclose a

larger pattern of denial of statutory and bye-law rights, continuation of an expired committee, and alleged financial mismanagement. Such matters squarely fall within the supervisory and corrective jurisdiction of this Board under the Waqf Act. Hence, the Original Petition was necessarily entertained and retained for effective orders in order to protect the interests of the Waqf and its beneficiaries.

This Board had initially attempted to resolve the disputes through mediation, with the objective of restoring harmony within the Jama-ath and avoiding further institutional damage. However, despite earnest efforts, the respondents were not willing to participate meaningfully in the mediation process and adopted a rigid and non-cooperative stance. The failure of mediation is thus attributable to the respondents, compelling this Board to proceed to decide the matter on merits and to issue binding directions in exercise of its statutory powers.

During the pendency of the Original Petition, this Board passed several interlocutory orders after hearing both sides. Statutory audit of the accounts of the Jama-ath for the period from 2018–19 to 2023–24 has already been ordered and entrusted to the Divisional Waqf Officer, with specific directions to complete the audit in accordance with law and to place the matter before the Board in the event any loss or recoverable amount is certified. Interim directions were also issued restraining the Jama-ath Committee from taking policy decisions, directing acceptance of monthly subscription from the petitioners, permitting their participation in the General Body, staying the termination of their membership, and directing production of the minutes book and other records. Thus, the substantial interim reliefs sought in the Original Petition already stand granted.

The pleadings and counter statements, as well as admissions made by the respondents, unequivocally establish that the term of the respondent Jama-ath Committee expired. In connected proceedings relating to the same Waqf, the respondent Committee itself admitted that its term had expired and sought permission to conduct

election. Continuation of a Committee beyond its approved term is impermissible under the Waqf Act and the Jama-ath bye-laws. Once the term expires, the Committee loses its democratic mandate and legal authority to administer the Waqf, except to the limited extent of carrying out routine day-to-day affairs.

An expired Committee has no authority to take policy decisions, interfere with membership rights, deny acceptance of subscription, or obstruct participation of eligible members in the General Body. Any such acts are illegal, arbitrary, and contrary to statutory provisions and bye-laws. The conduct of the respondent Committee in repeatedly denying lawful rights of members during the interregnum, despite clear interim orders of this Board, amounts to a blatant abuse of authority and a serious breach of the fiduciary obligations attached to Waqf administration. A Jama-ath Committee is a custodian of a public religious trust and cannot be permitted to function as a self-perpetuating body or to treat the Jama-ath as private property.

As regards the allegations of mismanagement and financial irregularities, the same are already under statutory audit ordered by this Board. Fixation of personal liability on respondents 3 to 7, if any, shall depend upon the findings and certification of the auditor. Upon receipt of the audit report, this Board shall take appropriate action on the administrative side in accordance with law, including recovery of amounts found due and initiation of further proceedings, if warranted.

In the totality of circumstances namely, the admitted expiry of the Committee's term, the systematic denial of membership rights, the failure of mediation due to the respondents' unwillingness, and the need to restore democratic management this Board finds that immediate conduct of election through an independent and impartial authority is not only justified but imperative. Any further continuation of the existing arrangement would seriously prejudice the interests of the Waqf and amount to abdication of the Board's statutory duty.

The issues raised in the interlocutory applications do not survive for separate consideration, as they stand adequately addressed by the interim orders already passed and by the directions contained herein.

Accordingly, the Original Petition is disposed of with the following directions:

1. Advocate Majeed Parakkadan is appointed as the Returning Officer to conduct election to the Jama-ath Committee of the first respondent Waqf, strictly in accordance with the Jama-ath bye-laws and after complying with all procedural formalities.
2. The Returning Officer shall ensure that the petitioners are permitted to participate in the General Body and election process without any obstruction. In the event the Jama-ath Committee fails or refuses to accept monthly subscription from the petitioners, the Returning Officer shall ensure acceptance of the same and include them in the voters list.
3. The entire election process, including preparation of the voters' list, acceptance and scrutiny of nominations, conduct of polling, counting, and declaration of results, shall be completed within a period of three months from the date of receipt of this order.
4. The initial batta of ₹ 25,000/- shall be paid to the Returning Officer by the Jama-ath Committee within fifteen days from the date of receipt of this order. The remaining batta and election expenses shall be met from the Jama-ath funds.
5. The Returning Officer may fix a nomination fee not exceeding ₹ 2,000/-, which shall be adjusted towards election expenses.
6. Upon completion of the election, charge of the Jama-ath shall be handed over forthwith to the newly elected Committee.

The matter is posted to 25.03.2026 for report of the Returning Officer regarding compliance with the above directions and completion of the election process.

55. OP No. 130/2025 Erumeli Mahalla Muslim Jama-ath, Kottayam

This Interlocutory Application arises out of the Original Petition relating to the construction of the auditorium of the respondent Jama-ath. The petitioner is the contractor entrusted with the work under an agreement executed with the then Committee and has admittedly failed to complete the work within the stipulated time. During the pendency of the proceedings, this Board appointed an Engineer/Valuer, who submitted a report stating that an amount of ₹ 2,13,46,500/- had been advanced to the petitioner and that a sum of ₹ 96,17,696/- remains in excess with him after valuation of the work executed. The petitioner thereafter filed this application expressing his willingness to complete the work utilizing the excess amount in his possession and sought permission to continue the construction.

The Board conducted mediation and heard both parties in detail. The petitioner unequivocally agreed to complete the remaining work utilizing the excess amount as identified by the Engineer/Valuer. Considering the valuation report, the admissions made by the petitioner and the need to safeguard the interests of the Jama-ath and the Waqf, this Board is of the considered view that the petitioner is bound to complete the work corresponding to the amount already received by him.

Accordingly, the petitioner-contractor in I.A. No. 497/2025 is hereby directed to complete the remaining construction work of the auditorium strictly utilizing the excess amount of ₹ 96,17,696/- identified in the valuation report, within a period of two months from the date of this order. The petitioner shall submit an interim progress report before this Board on **11.03.2026** and shall execute the work using quality materials to the satisfaction of the Engineer/Valuer and this Board. No additional amount shall be claimed or utilized without the prior approval of this Board. Upon completion of the work, a fresh valuation shall be conducted to verify proper utilization of the entire amount retained by the petitioner.

56.	OP No. 04/2026 Anchal Muslim Jama-ath, Kollam Not pressed. Dismissed.
57.	OP No. 8/2026 Haji Eassa Haji Moosa Sait Dharmastapanam Jan Muhammed Haji Eassa Sait, Ernakulam This comes under a suit of civil nature. OP dismissed directing the petitioner to approach appropriate forum
58.	OP No. 10/2026 Poonthura Puthen Pally Muslim Jama-ath, Thiruvananthapuram Issue notice to the respondents. Posted to 11.03.2026 IA No. 25/2026 Heard. The petitioner had made out a prima facie case. Respondents are restrained from expelling the petitioner from the membership of the Jama-ath or to deny him general body membership and rights and services of a general body member and beneficiary.
59.	OP No. 12/2026 Kadakkal Muslim Jama-ath, Kollam Issue notice to the respondents. Posted to 11.03.2026 IA No. 26/2026 Heard. On the basis of various orders of superior courts, elections cannot be stayed or interfering by the Board after declaring the election schedule and election process has already started. Board finds that it is proper to appoint an observer from the Board so as to report whether election is conducted in a proper manner. Divisional Waqf Officer, Thiruvananthapuram shall depute an officer as observer to the election to be held on 25.01.2026. The observer shall be present at the Jama-ath and submit report with regard to the conduct of election. An amount of Rs. 3000/- shall be paid as batta to the observer by the petitioner.
60.	OP No. 14/2026 Manjappara Muslim Jama-ath, Kollam Issue notice to the respondents. Posted to 11.02.2026
61.	OP No. 16/2026 Karunagappally Muslim Jama-ath, Kollam Issue notice to the respondents. Posted to 11.03.2026

	<p>IA No. 34/2026</p> <p>Heard. The petitioner had made out a prima facie case. The respondents are directed to allow the petitioner to participate in the Jama-ath committee meeting and to permit him to participate in all activities of the Jama-ath.</p>
62.	<p>IA No. 31/2026 in OP No. 200/2025 Padinjare Shafi Muslim Jama-ath, Alappuzha Posted to 24.02.2026</p>
63.	<p>OP No. 114/2025 Puthuthervu Muslim Jama-ath, Kollam Suo motto advanced. Order passed vide separate sheet in IA No. 117/2025. Posted to 11.03.2026</p> <p>This Interlocutory Application is filed in the above Original Petition seeking, inter alia, to restrain the respondents from demolishing the existing mosque and to stay all further proceedings on the basis of the quotation notice published on 07/03/2025. The main OP was filed against proceeding with the tender and other consequential steps pursuant to the permission dated 22.10.2024 granted by the Divisional Waqf Officer for demolition of the existing mosque structure and construction of a new mosque, and for recalling the said permission. The main grievance of the petitioners is that the mosque of the first respondent Jama-ath is an ancient mosque having historical and antique value and that renovation, rather than demolition, would suffice. It is also alleged that adequate deliberations were not held in the general body and that inconsistent versions were placed regarding the cost of construction.</p> <p>The respondents entered appearance and filed counter statements denying the allegations. They admitted that the central portion of the mosque is around 130 years old, but contended that the structure has undergone multiple additions and alterations at different points of time, resulting in structural discontinuity and cracks. It is brought on record that the general body of the Jama-ath, by an overwhelming majority, resolved to demolish the existing structure and construct a new mosque, and that a</p>

construction sub-committee was duly constituted. The proceedings of the general body, construction plans, estimates, source of funds and other relevant documents were produced before the Divisional Waqf Officer, who also conducted a site inspection through the officers of the Board.

Pursuant to orders of this Board, an Advocate Commissioner assisted by an expert engineer inspected the mosque and submitted reports. The reports disclose that the mosque has multiple joined portions constructed at different times, cracks in walls, deterioration of wooden roofing and tiled roofing, and lack of proper maintenance. Though it is stated that certain portions of the foundation and superstructure are still serviceable, the expert engineer has categorically opined that vertical expansion beyond two floors is not advisable, horizontal expansion is structurally not feasible, and that the damages presently noticed can only be temporarily rectified by repairs. The reports further indicate that the existing structure is not capable of supporting future developmental requirements of the Jama-ath.

The contention of the petitioners that renovation alone would suffice cannot be accepted. Renovation, in the context of a public religious structure of this nature, necessarily implies substantial structural intervention to ensure safety, durability and usability for several decades. When the existing structure is old, cracked, spatially constrained and incapable of future development, mere expenditure on repairs or partial renovation will not achieve the intended object and would result in wasteful utilisation of Waqf funds. The Board cannot countenance such an approach when long-term benefit, safety of worshippers and proper utilisation of Waqf property are paramount considerations.

The permission for demolition and reconstruction was granted by the Divisional Waqf Officer in exercise of powers duly delegated to him under the statutory framework. The materials on record show that such permission was granted after due enquiry, verification of documents, site inspection and satisfaction that demolition and reconstruction would be beneficial to the Jama-ath.

No illegality, arbitrariness or procedural impropriety is made out so as to warrant interference by this Board at the interlocutory stage. The absence of permission from the local self-governing body at present does not invalidate the sanction granted by the Divisional Waqf Officer.

Considering the age and condition of the mosque, the limitations noted by the expert, the resolutions of the general body, and the lawful exercise of delegated powers by the Divisional Waqf Officer, this Board finds no merit in the prayer to stay the tender proceedings or to restrain demolition. Interference at this stage would be against the long-term interest of the Jama-ath and the Waqf.

Accordingly, the Interlocutory Application stands dismissed.