

ITEM NO.29

COURT NO.14

SECTION XI-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 34752/2025

[Arising out of impugned final judgment and order dated 10-10-2025 in WA No. 606/2025 passed by the High Court of Kerala at Ernakulam]

KERALA WAQF SAMRAKSHANA VEDHI (REGISTERED) & ANR. Petitioner(s)

VERSUS

STATE OF KERALA, & ORS.

Respondent(s)

IA No. 308939/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 12-12-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :

Mr. Huzaifa Ahmadi, Sr. Adv.
Mr. Abdulla Naseeh V.t., AOR
Ms. Rashmi Singh, Adv.
Mr. Musthafa Atheeq, Adv.
Ms. Riya Nourin, Adv.
Ms. Rachel Sara James, Adv.

For Respondent(s) :

Ms. Aswathi M.k., AOR

Mr. V. Chitambareesh, Sr. Adv.
Mr. James P. Thomas, AOR
Mr. Ravi Sagar, Adv.
Mr. C. Govind Venugopal, Adv.
Mr. Jaison V J, Adv.
Mr. Bibin John, Adv.

Mr. Jaideep Gupta, Sr. Adv.
Mr. C. K. Sasi, AOR
Dr. Kk Geetha, Adv.
Mr. Riddhi Bose, Adv.

Ms. Rishi Agarwal, Adv.
Ms. Racheeta Chawla, Adv.
Ms. Sampriti Bakshi, Adv.

Mr. Maninder Singh, Sr. Adv.
Mr. Nachiketa Joshi, Sr. Adv.
Mr. Santosh Kumar, Adv.
Mr. Tadimalla Bhaskar Gowtham, Adv.
Mr. Rahul Tanwani, Adv.
Mr. Rishikesh Haridas, Adv.
Mr. Vivek Kumar Pandey, Adv.
Mr. Rajeev Ranjan, Adv.
Mr. Alabhya Dhamija, AOR
Mr. Amrit Rathi, Adv.
Mr. Arjun Aggarwal, Adv.

Mr Subhash Chandran K.R. AOR
Ms Krishna L.R, Adv.
MR Anirudh K.P, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The submission of the learned Counsel for the petitioners is that the petitioners invoked the writ jurisdiction of the High Court questioning the notification under the Commissions of Inquiry Act, 1952 in as much as the plot bearing survey No. 18/1 was recorded as a waqf property and any dispute regarding a waqf property as per Section 7 of The Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995 (for short "the Waqf Act") is to be decided by Waqf Tribunal. It is submitted that the learned single judge of the High Court

accepted the writ prayer against which an intra-court appeal was preferred before the Division Bench of the High Court. The Division Bench not only upheld the notification but went several steps ahead by declaring that the land in question is not a waqf property. It is submitted that the High Court clearly transgressed its jurisdiction more so when the said question could have been determined by the Waqf Tribunal in light of the provisions of the Waqf Act.

2. The learned Counsel for the State and the occupants of the land, who are on caveat, submitted that the disputed land was not a subject matter of the waqf rather it had to be dealt with in terms of the endowment deed of the year 1950. It is there case that it was surreptitiously included as a waqf property in the year 2019 without notice to the occupiers. In that context, inquiry was directed.

3. Be that as it may, the matter requires consideration after receiving response from the respondents.

4. Issue notice, returnable in the week commencing 27.01.2026.

5. In the meantime, the declaration in the impugned order that the property in question is not a subject matter of waqf shall remain stayed and *status quo* as regards the same shall be maintained till the next date. It is made clear that we have not stayed the inquiry.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)