



2024:KER:90084

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

&

THE HONOURABLE MR. JUSTICE EASWARAN S.

THURSDAY, THE 28TH DAY OF NOVEMBER 2024 / 7TH AGRAHAYANA, 1946

WP(C) NO. 41900 OF 2024

PETITIONER :-

**NISHAD PADINJARE PEEDIYEKKAL
AGED 41 YEARS, MAYANNUR POST, MAYANNUR,
KONDAZHI, THRISSUR, KERALA-, PIN - 679105**

**BY ADVS. P.E.SAJAL
AJAS K.S.
MUHAMMED HISHAM T.**

RESPONDENTS :-

- 1 HYDERIYYA MASJID MAHALL COMMITTEE
REPRESENTED BY ITS SECRETARY RS ROAD,
OTTAPPALAM, PALAKKAD, PIN - 679101**
 - 2 THE PRESIDENT OR SECRETARY
HYDERIYYA MASJID MAHALL COMMITTEE RS ROAD,
OTTAPPALAM, PALAKKAD-, PIN - 679101**
 - 3 KERALA STATE WAQF BOARD
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER.
VIP ROAD, KALOOR ERNAKULAM, KERALA-, PIN - 682017**
- SRI JAMSHEED HAFIZ SC WAQF**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28.11.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



JUDGMENT

Amit Rawal, J.

1. Petitioner had invoked the jurisdiction of the Wakf Board by filing an original petition bearing number 60 of 2024 under Sections 32, 70 and 71 of the Wakf Act for appointment of returning officer for conducting the election through secret ballot paper, as, the term of the elected body is over since April, 2023 and seeking further direction for auditing the balance sheet for the year 2023.

2. Aforementioned petition is dated 26.02.2024. An interim application bearing No.67 of 2024 was also filed along with the original petition for appointing a returning officer for holding the election, as, the case with regard to the main relief may take time. The said application dated 26.02.2024, Ext.P2, is stated to be pending without adjudication.

3. Sri.Jamsheed Hafiz, learned Standing Counsel for the Wakf Board accepts notice and informed the Court that the term of the Wakf Board is going to expire on 14.12.2024.

4. We call upon learned Senior Government



Pleader Sri.Vipin Das to apprise this Court with regard to the steps being taken for constitution of the fresh Board. Sri.Vipin Das, on instructions from the concerned Department, found that the Returning Officer has been appointed and the Board consists of 12 members, out which 5 are to be nominated and 7 to be elected and apprised that the election shall take place within four months.

5. On consideration of the plight of the petitioner as well as various other parties who are before the Wakf Board, either for framing of a scheme or with regard to the management of the Jama-ath, we are of the view that the impasse may not be permitted to continue. Accordingly, while allowing the writ petition by issuing directions to the Wakf Board to a take call on the pending applications for appointment of the returning officer, we further issue a direction that the term of the elected body of the Board which is going to expire on 14.12.2024 shall continue till the election process initiated by the respondent/State is over. It is made clear that till such time, the Board shall continue to discharge the duties and deal with the pending matters, in accordance with law.



6. It is also directed that the interim application bearing No.67 of 2024 filed before the Wakf Board in O.P.No. 60 of 2024 shall be disposed of within a period of one month from today.

Writ petition stands disposed off.

Sd/-

**AMIT RAWAL
JUDGE**

Sd/-

**EASWARAN S.
JUDGE**

SMA



APPENDIX OF WP(C) 41900/2024

PETITIONER EXHIBITS :-

- | | |
|-------------------|--|
| Exhibit P1 | TRUE COPY OF THE OP 60/2024 DATED 26.02.2024 |
| Exhibit P2 | TRUE COPY OF THE IA 67/2024 IN OP 60/2024 TO APPOINT RETURNING OFFICER |
| Exhibit P3 | TRUE COPY OF THE COUNTER FILED BY THE RESPONDENTS DATED 06.06.2024 |
| Exhibit P4 | TRUE COPY OF THE CAUSE LIST OF THE 3RD RESPONDENT DATED 09.10.2024 ALONG WITH ITS TRANSLATION |