

## A DIARY

**Dated: 21.08.2025**

1.	<p><b>OP No. 220/2023 Manjalloor Kundayam Hanafi Muslim Jama-ath, Kollam</b></p> <p>The present Original Petition is filed under Sections 32, 46, 47 and 48 of the Waqf Act, 1995 read with Section 26 of the Code of Civil Procedure seeking cancellation of the declaration made by the 2nd respondent dated 07.05.2023 expelling the petitioners from the Jama-ath Paripalana Samithi and for their reinstatement to the respective posts.</p> <p>The petitioners have contended that they were duly elected by the General Body of the Jama-ath on 02.10.2022 as General Secretary, Vice President, Joint Secretary and Committee Member respectively, and that their removal by the proceedings dated 07.05.2023 was arbitrary, illegal and contrary to law. It is their case that no notice was issued to them prior to the decision of expulsion and that the General Body had not authorised such removal. On the other hand, the respondents filed a counter alleging ideological deviation by the petitioners but failed to substantiate the same by evidence. Despite filing a counter, the respondents remained absent continuously after 03.10.2024 and the matter was heard ex parte.</p> <p>On consideration of the pleadings, evidence and records, this Board is of the view that the action of the respondents in expelling the petitioners suffers from serious legal infirmity. Firstly, it is a settled principle of law that any action affecting civil rights must conform to the rule of <i>audi alteram partem</i>, the fundamental canon of natural justice. The records show that no notice or opportunity of hearing was given to the petitioners before passing the impugned order of removal dated 07.05.2023. Secondly, under the scheme of the Waqf Act, 1995, particularly Sections 32 and 47, the Board has supervisory control to ensure that waqf institutions are administered in accordance with law and their bye-laws. Removal of elected office bearers, being a serious matter affecting representation of the Jama-ath, must be carried out strictly in accordance with the bye-law and upon proper resolution of the General Body. No such resolution has been produced before this Board, nor is there any material to show compliance with the bye-laws.</p> <p>Thirdly, this Board had in I.A. No. 201/2023 specifically restrained the respondents from appointing others in the posts held by the petitioners and from conducting meetings without their participation. Any action taken in violation of such interim order is void and cannot be recognised in law. The respondents' conduct in removing the petitioners during the pendency of this O.P., in derogation of the Board's order, renders the impugned proceedings doubly illegal.</p> <p>In the absence of cogent evidence from the respondents and in the face of admitted violation of natural justice, the expulsion dated 07.05.2023 cannot be sustained. Accordingly, the declaration issued by the 2nd respondent expelling the petitioners is hereby set aside. The petitioners are reinstated to their respective posts as elected office bearers of the Jama-ath Paripalana Samithi. It is further directed that any appointments or decisions taken contrary to this order stand annulled. The respondents are cautioned that any further obstruction of the petitioners in functioning as office bearers will invite proceedings under the Waqf Act, 1995 for violation of binding orders of this Board.</p> <p style="text-align: center;">This O.P. is thus allowed. No order as to costs.</p>
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2.	OP No. 68/2021 Pallisserikkal Muslim Jama-ath, Kollam Order not ready. Posted to 29.10.2025
3.	<p data-bbox="240 259 1430 349">OP No. 170/2023 Sayed Usman Sahib Memorial Madrassa Masjid and Noorul Islam Association, Thiruvananthapuram</p> <p data-bbox="240 349 1430 976">The petitioner had filed this Original Petition under Sections 32, 69 and 70 of the Waqf Act, 1995, seeking orders for appointing a receiver to take over the administration of the 1st respondent institution, Sayed Usman Sahib Memorial Madrassa Nooru Ul Islam Association, and further seeking a direction to conduct free and fair election to the Association in accordance with its bye-laws. The case of the petitioner is that he is a member and legal heir of Sayed Usman Sahib Memorial Madrassa Masjid and Noor-ul Islam Association. He alleged that the 2nd respondent has usurped the office of Secretary without any legal authority, that no general body has been convened since 2018, that proper accounts have not been maintained for more than six years, and that waqf funds are being misused for personal purposes.</p> <p data-bbox="240 976 1430 1514">The respondents entered appearance and opposed the petition, contending that the petition is not maintainable either on facts or in law. It was specifically argued that the Board has no jurisdiction to appoint a "receiver" for any waqf and that Section 63 of the Waqf Act, which permits appointment of a mutawalli under certain circumstances, is not attracted to the present case. They further submitted that the allegations raised by the petitioner are false, that the petitioner's claim of being a member and heir is unsubstantiated, and that valid elections were held in the jama-ath. They denied any misappropriation of funds and maintained that accounts are properly kept.</p> <p data-bbox="240 1514 1430 1760">The petitioner filed a proof affidavit reiterating his allegations but failed to produce any proper evidence to substantiate the same. Though an Advocate Commissioner was appointed to record witness evidence, the materials placed on record were photocopies which cannot be admitted on evidence.</p> <p data-bbox="240 1760 1430 2085">On a careful consideration of the pleadings, materials, and submissions, this Board finds that the relief of appointing a receiver is wholly beyond the scope of the powers conferred on the Waqf Board under the Waqf Act, 1995. The concept of a receiver arises under the Code of Civil Procedure and cannot be invoked before this Board unless specifically provided for under the statute. Neither Section 32. nor Sections 69 and 70 of the Waqf Act, authorise the</p>

	<p>Board to appoint a receiver. Section 63 of the Act deals with appointment of a mutaivalli in limited circumstances, which are not made out here. Hence, the principal relief sought in the petition is legally unsustainable.</p> <p>With respect to the allegations of mismanagement and misuse of funds, the petitioner has not adduced cogent or admissible evidence to prove the same. His status as member or heir has not been established. The allegation that there has been no election since 2018 is also not proved. Allegations of misappropriation remain mere assertions unsupported by documentary or oral evidence. In such circumstances, this Board is unable to accept the petitioner's version or to interfere in the administration of the waqf.</p> <p>In the result, the Board holds that the Original Petition is devoid of merit. The reliefs sought are not maintainable, and the petitioner has failed to prove the allegations raised. The Original Petition is accordingly dismissed.</p>
4.	OP No. 10/2015 Rifayee Juma Masjid, Kuttichira, Kollam Order not ready. Posted to 29.10.2025
5.	OP No. 240/2023 N. M. A. Hanafy Jama-ath, Kollam Order not ready. Posted to 29.10.2025
6.	OP No. 124/2023 Neeravil Muslim Jama-ath, Kollam Order not ready. Posted to 29.10.2025
7.	OP No. 128/2023 Kappukad Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 29.10.2025
8.	OP No. 14/2022 Manakkad Valiya Pally Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 29.10.2025
9.	OP No.62/2023 Karalikkonam Karakkal Muslim Jama-ath, Kollam Order not ready. Posted to 29.10.2025
10.	OP No. 162/2024 Muthirapparamb Muslim Jama-ath, Kollam Order not ready. Posted to 29.10.2025
11.	OP No. 08/2025 Kumarapuram Muslim, Jama-ath, Thiruvananthapuram Order not ready. Posted to 29.10.2025
12.	EP No. A9-5889/2024 Karuva Muslim Jama-ath, Kollam Order not ready. Posted to 29.10.2025
13.	IA No. 375/2024 in OP No. 130/2022 Kuramapuram Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 29.10.2025

14.	OP No. 184/2023 Thiruvananthapuram Valiya Pally Muslim Jama-ath, Thiruvananthapuram Common order passed in OP No. 118/2023
15.	OP No. 196/2023 Thiruvananthapuram Valiya Pally Muslim Jama-ath, Thiruvananthapuram Common order passed in OP No. 118/2023
16.	<p>OP No. 118/2023 Thiruvananthapuram Valiya Pally Muslim Jama-ath, Thiruvananthapuram</p> <p>These three Original Petitions were filed before the Board relating to the governance, administration, and electoral process of the Valiya Palli Muslim Jama-ath, Thiruvananthapuram. O.P. No. 118/2023 was instituted under Sections 32, 47, 70, and 71 of the Waqf Act, 1995, praying for an enquiry into the Jama-ath's administration, restraint of presidential-style elections, conduct of fair elections through a Returning Officer, and audit of accounts. O.P. Nos. 184/2023 and 196/2023 raised connected prayers regarding the management and elections of the Jama-ath. Considering the overlapping issues, all three petitions were consolidated for joint trial, with O.P. No. 184/2023 treated as the lead case.</p> <p>On 12.06.2025, a compromise petition (I.A. No. 219/2025) was filed jointly by the petitioners and respondents in O.P. No. 184/2023, recording mutually agreed terms including (i) resignation of the existing committee, (ii) formation of an ad-hoc committee, (iii) conducting of elections on a ward-wise ballot basis, and (iv) withdrawal of all pending cases. It is noted that all parties to the consolidated proceedings have accepted the compromise, save for the 2nd petitioner in O.P. No. 118/2023, who had sought some time for expressing opinion. The 1st petitioner in O.P. No. 118/2023 has already signified consent to withdraw, and all other petitioners and respondents are agreeable to the terms of settlement.</p> <p>The Board has examined the compromise in the light of the reliefs sought in the petitions. The substantive prayers of the petitions particularly the demand for fair elections, proper governance, and audit of accounts are effectively satisfied through the settlement. Under Order II Rule 3 and Order XXIII Rule 3 CPC, once matters are consolidated for joint trial, common issues may be adjudicated or disposed of together. A valid and lawful compromise in the lead case can be extended mutatis mutandis to the connected petitions, where it substantially addresses the grievances raised therein. The fact that</p>

	<p>one of the petitioners has withheld consent does not, by itself, defeat the settlement, provided that the compromise is not unlawful, does not prejudice their legal rights, and promotes the overall interest of the Jama-ath.</p> <p>This Board is of the considered view that the compromise satisfies the core objectives of the petitions and is in the broader interest of maintaining peace and harmony in the mahal community. The dissent of the 2nd petitioner in O.P. No. 118/2023 is duly recorded; however, since no specific prejudice is caused to their rights and liberty is reserved to approach the Board independently for redressal of any surviving grievance, the compromise is binding and enforceable across the consolidated proceedings.</p> <p>Accordingly, I.A. No. 219/2025 is accepted and recorded as a valid settlement. O.P. Nos. 196/2023, 184/2023, and 118/2023 are treated as closed in terms of the compromise. Liberty is reserved to the 2nd petitioner in O.P. No. 118/2023 to seek appropriate remedies before the Board in the event of any subsisting or fresh grievance.</p>
17.	<p>OP No.146/2017 Vanmeni Muslim Jama-ath, Kollam</p> <p>For production of orders as ordered in I.A.No.90/2020 and appearance of parties. Issue notice to the parties and counsel. Posted to 10/09/2025.</p>
18.	<p>WOS No. 14/2012 Khaja Moinudeen Jisti Thaikkavu, Kollam</p> <p>Notice served. No representation Name called. 16<sup>th</sup> respondent set ex-parte. For hearing posted to 29/10/2025</p>
19.	<p>OP No. 46/2022 Peyad Hidayathoor Islam Muslim Jama-ath, Thiruvananthapuram</p> <p>Respondent filed proof affidavit, issue intimation to the advocate commissioner. For Commission Report posted to 29/10/2025</p>
20.	<p>OP No. 120/2021 Adoor Muslim Jam-ath, Pathanamthitta</p> <p>DO filed report. For steps posted to 29/10/2025.</p>
21.	<p>OP No. 164/2023 Anchal Muslim Jama-ath, Kollam</p> <p>For filing proof affidavit finally to 29/10/2025</p>
22.	<p>OP No. 188/2023 Kattumurakkal Muslim Jama-ath, Thiruvananthapuram</p> <p>I.A.No.162/2025- Counter filed. Heard for orders, Await audit report.I.A.No.165/2023 for orders, I.A.No.166/2023 for orders posted to 29/10/2025.</p>
23.	<p>EP No. 2492/2018 Polayathode Pareediya Masjid Muslim Jama-ath, Kollam</p> <p>PW1 examined, Exhibits A1 to A5 marked(Subject to proof), A6</p>

	marked without objection. Petitioners evidence closed. For affidavit of the respondent. Posted to 29/10/2025.
24.	OP No. 224/2024 Punukkannoor Muslim Jama-ath, Kollam No representation by the petitioner. For orders -29/10/2025
25.	OP No. 160/2024 Punukkannoor Muslim Jama-ath, Kollam I.A.No.256/2025- for counter, I.A.No.255/2025- Counter filed. For hearing posted to 29/10/2025
26.	OP No. 234/2024 Kumarapuram Muslim Jama-ath, Thiruvananthapuram No Counter in I.A. 184/2025 filed by the 6 <sup>th</sup> respondent. Heard. Allowed. DO, TVM is directed to depute an expert civil engineer to evaluate the expenditure incurred for the disputed construction. Petitioner shall pay necessary Batta. Parties are at liberty to file work memo. DO is further directed to issue notice to the concerned counsels. For report posted to 29/10/2025.
27.	OP No. 42/2024 North Mynagappally Muslim Jama-ath, Kollam For filing proof affidavit by the petitioner. Posted to 29/10/2025
28.	OP No. 262/2024 Oyoor Muslim Jama-ath, Kollam For counter in I.A.No. 428/2024, For counter in I.A.No.429/2024 For counter in I.A.No.73/2024, 113/2024. Posted to 29/10/2025,
29.	OP No. 142/2024 Paravoor Muslim Jama-ath, Kollam Audit report received. For objection to audit report.29/10/2025
30.	OP No. 248/2024 Punaloor N. M. A. Hanafy Jama-ath, Kollam No Steps. For filing proof affidavit. Posted to 29/10/2025
31.	OP No.56/2024 Mavalli Muslim Jama-ath, Kollam For production of document as ordered in I.A.No.57/2024. For hearing I.A.No.163/2024 Posted to 29/10/2025
32.	OP No. 06/2025 Veluthamanal Muslim Jamas-ath, Kollam No Counter for R1 to R3 No representation, name called set ex-parte. For steps- 29/10/2025.
33.	OP No.46/2025 Kaniyapuram Muslim Jama-ath, Thiruvananthapuram No Counter in I.A.No.58/2025. Heard both sides. For orders 15/10/2025 EKM
34.	OP No. 98/2025 Chinnakada Muslim Jama-ath, Kollam No batta paid to take steps against R1 and R8. Pay Batta today itself. For counter of R2 to R7 and R9. Posted to 29/10/2025
35.	OP No. 58/2025 Thattamala Muslim Jama-ath, Kollam No Counter in I.A.No.68/2025. Heard. Allowed. The respondent is

	directed to produce documents stated in the affidavit within one month. For counter in OP posted to 29/10/2025
36.	OP No. 88/2025 Karuva Muslim Jama-ath, Kollam For Counter in I.A. Nos.86/2025, 87/2025 and counter in OP posted to 29/10/2025.
37.	OP No.104/2025 Pezhumood Puthen Pally Jama-ath, Thiruvananthapuram Batta paid to take steps against R7. Counter in main OP filed along with documents. For counter in I.A. Posted to 29/10/2025.
38.	OP No. 52/2025 Salsabeel Salafy Masjid Paripalana Committee, Kollam For counter of R1 to R3 in Op & I.A.No.54/2025. Posted to 29/10/2025.
39.	OP No. 232/2024 Chinnakkada Musllim Jama-ath, Kollam I.A.No.324/2025, notice given. For counter posted to 29/10/2025
40.	OP No. 114/2024 Ayiramthengu Muslim Jama-ath, Kollam RO filed interim report stating that the present committee is not providing office to the RO and not co-operating. Election schedule also produced. The respondent committee shall provide every facilities for smooth conduct of election. For report of RO. 29/10/2025
41.	OP No. 132/2025 Vattiyoorkkavu Muslim Jama-ath, Thiruvananthapuram Counter filed by R1 to R3 stating that they have no objection in conducting election. Adv.Badarudheen Koya is appointed as Returning Officer for conducting election to the JaAma-ath as per its byelaw through secret ballot system. Initial batta of Rs.20000/- shall be paid by the Petitioner and respondents equally at the rate of rs.10000/- each. RO is further directed to collect Rs.2000/- as nomination fee from the contesting candidates. For report of Returning Officer. 29/10/2025
42.	OP No. 140/2024 Kilikolloor Thekkumkara Muslim Jama-ath Committee, Kollam I.A.No.212/2024 – Heard for orders, I.A.No.384/2024- For hearing posted to 29/10/2025
43.	OP No. 226/2024 Ilamballoor Muslim Jama-ath, Kollam For steps posted to 29/10/2025.
44.	OP No. 02/2021 Kilikolloor Valiya Pally Muslim Jama-ath, Kollam Notice served to former interim mutawalli. Issue notice to the Present Mutawalli Adv.Nazir Hussain. 29/10/2025

45.	OP No. 156/2025 Padinjare Theruvu Muslim Jama-ath Committee, Kollam Commission Batta not paid by the petitioner. Await Return of Notice. Issue notice to the counsel for the petitioner to pay commission Batta. For commission report & Return of Notice. 29/10/2025
46.	OP No. 166/2025 Kottukad Muslim Jama-ath, Kollam Counter filed in I.A.No.208/2025 and in OP. For argument notes.10/09/2025
47.	OP No. 174/2025 Kaduvayil Muslim Jama-ath, Thiruvananthapuram Adv.Abdul Jabbar for R1 to R6. Await audit report and counter29/10/2025
48.	OP No. 160/2025 Bavalabba Thangal Maqbara and Thaikkavu Samrakshana Samithi, Thiruvananthapuram Adv.Mohammed Shah for R5 and R6, Notice to R1 to 4 served, name called, no representation, set exparte. For counter in I.A.No.331/2025, 197/2025, 198/2025 & 199/2025. I.A.No.198/2025 Heard both sides. Allowed, Adv. Ismail Sait appointed as commission to inspect property and report. Pay batta of Rs.7000/- as commission batta. For commission Report.29/10/2025.
49.	OP No. 164/2025 Pavor Muslim Jama-ath, Kollam Notice to R1 to R4 served. Name called, No representation, set exparty. For exparte proof affidavit. Posted to 29/10/2025.
50.	OP No. 10/2024 Paravoor Muslim Jama-ath, Kollam Certified copy of byelaw produced. RO is directed to conduct election within 3 months as per Exhibit X1 byelaw and report. 29/10/2025.
51.	OP No. 242/2024 Kaniyapuram Muslim Jama-ath, Thiruvananthapuram For mediation and hearing posted to 10/09/2025
52.	OP No. 90/2025 Vattiyoorkkavu Muslim Jama-ath, Thiruvananthapuram Adv.Mohammed Shah filed VAKalath and counter filed. Matter settled between Parties. Not Pressed. Dismissed.
53.	OP No. 92/2021 Edava Muslim Jama-ath, Thiruvananthapuram DWO filed report. For filing voters list by the DWO posted to 29/10/2025.
54.	OP No. 108/2023 Vakkam Padinjare Muslim Jama-ath, Thiruvananthapuram Counter filed in I.A.No.182/2025. RO appointed by the Board had



	not conducted election despite of expiry of 18 months. Await order of Tribunal . I.A.No.166/2024 Heard for orders 29/10/2025.
55.	OP No. 176/2025 Kesavadasapuram Muslim Jama-ath, Thiruvananthapuram Adv.Sadik for R5 to R7. Counter by R1 to 4 filed in I.A.s. For counter og R5 to 7. I.A.No.332/2025 –For counter & hearing 29/10/2025
56.	OP No. 178/2025 Mailappoor Muslim Jama-ath Committee, Kollam Notice to respondents served. No representation, name called set exparty. For filing ex-party affidavit 29/10/2025.
57.	OP No. 106/2025 Chinnakkada Muslim Jama-ath, Kollam No steps for mediation. For steps and hearing. Posted to 29.10.2025
58.	OP No. 154/2025 Thevalakkara Shareeful Islam Jama-ath, Kollam Notice to respondents served. No representation, name called set exparty. For filing ex-party affidavit 29/10/2025.
59.	OP No. 184/2025 Thevalakkara Chaliyath Muslim Jama-ath, Kollam Adv.Shameem for R to R2, Adv.Mohammed Haneef for R3 to R4. Adv.Aboobacker(RO appeared in person).Notice to R5 served. No presentation, name called, set exparty.I.A.No.289/2025 impleading application-for counter, R and R2 filed counter in I.A.No.250/2025. For counter and hearing 10/09/2025.
60.	OP No. 182/2025 Chinnakkada Muslim Jama-ath, Kollam For steps. Posted to 29.10.2025
61.	OP No. 130/2025 Erumeli Mahalla Muslim Jama-ath, Kottayam Parties appeared. Observer also shall appear on 10.09.2025. Both parties are directed to furnish details of the work completed and work not completed etc. Posted to 10.09.2025
62.	OP No. 110/2023 Kilikolloor Valiya pally Muslim Jama-ath, Kollam Returning officer is directed to publish voters list and issue identity card with photograph to the voters and every voter has to pay Rs. 100/- to the election identity card. Complete election within 3 months. For report. Posted to 29.10.2025
63.	OP No. 202/2025 Alamkode Muslim Jama-ath, Thiruvnanthapuram Adv. E. S. M. Kabeer for all respondents. Counter filed in IA No. 286/2025. Partly heard. For production of documents. Posted to 10.09.2025
64.	OP No. 224/2025 Thadikkad Muslim Jama-ath, Kollam Issue notice to the respondents. Posted to 29.10.2025

65.	<p>OP No. 226/2025 Muhiyudeen Muslim Jama-ath, Thiruvananthapuram</p> <p>Issue notice to the respondents. Posted to 29.10.2025</p> <p>IA No. 325/2025</p> <p>Heard. The Petitioner had made out a prima facie case. The respondents are directed to provide all service to the petitioner from the Jama-ath, that are provided to its members. Petitioner shall not be obstructed from attending general body and recording his evidence.</p>
66.	<p>OP No. 228/2025 Chilakkoor Muslim Jama-ath, Thiruvananthapuram</p> <p>IA No. 326/2025</p> <p>Divisional Waqf Officer, Thiruvananthapuram is directed to appoint an empanelled Auditor for conducting audit of accounts of the Jama-ath for the period 2020-2025 and complete the audit process including calling for objection / explanations, giving direction for curing the defects pointed out by the auditor. If any amount is to be recovered as certified by the auditor matter shall be placed before the Board through administrative side.</p> <p>IA No. 327/2025</p> <p>Heard. The petitioner had made out a prima facie case. Respondent 2 and 3 are directed not to conduct election to the Jama-ath committee without obtaining prior permission of Board.</p> <p>Issue notice to the respondents. Posted to 29.10.2025</p>
67.	<p>OP No. 230/2025 Ilfathul Islam Sangham (Ponnurunni Jama-ath), Ernakulam</p> <p>Issue notice to the respondents. Posted to 15.10.2025</p> <p>IA No. 328/2025</p> <p>Heard. The petitioner had made out a prima facie case. Respondents are restrained from carrying out any construction in the waqf property without obtaining prior permission of concerned officer of the Board. If such permission is already received the respondents can proceed with construction.</p>
68.	<p>OP No. 232/2025 Manappally Muslim Jama-ath, Kollam</p> <p>Issue notice to the respondents. Posted to 29.10.2025</p>
69.	<p>OP No. 234/2025 Manappally Muslim Jama-ath, Kollam</p> <p>Issue notice to the respondents. Posted to 29.10.2025</p> <p>IA No. 330/2025</p> <p>Heard. The petitioner had made out a prima facie case. The respondents are restrained from conducting election to the Jama-ath</p>

	committee without obtaining prior permission of the Board.
70.	OP No. 236/2025 Oloorikonam Muslim Jama-ath, Kollam Issue notice to the respondents and for appearance of parties. Posted to 10.09.2025
71.	OP No. 238/2025 Chittumoola Muslim Jama-ath, Kollam IA No. 333/2025 Heard. The petitioner had made out a prima facie case. Elections scheduled on 24.08.2025 for electing office bearers of Chittumoola Muslim Jama-ath from ward No. 7 is hereby stayed until further orders. Issue notice through special messenger. Issue notice to the respondents. Posted to 29.10.2025
72.	OP No. 240/2025 Manakkattupuzha Muslim Jama-ath, Kollam Issue notice to the respondents. Posted to 10.09.2025
73.	IA No. 323/2025 in OP No. 194/2025 Badariya Muslim Jama-ath, Kottayam For counter. Posted to 17.09.2025