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OFFICE OF THE KERALA STATE WAQF BOARD

V.I.P.ROAD, KALOOR, KOCHI-682 017.

INFORMATION TO THE PUBLIC.

Very recently a complaint with false allegations was filed by one T.M.ABDUL SALAM in the month of December, 2016 through Adv. T.U.SIYAD and the same was published through Medias with ulterior motive. They used to file many complaints before different authorities starting from 19th April 2012 on which day a crime was registered against Adv. T.U.SIYAD under Section 353 of I.P.C. T.M.Abdul Salam is a person who is not able to prepare, read or write those petitions and he is doing it for the sake of Adv. T.U.SIYAD. Abdul Salam was a party in a proceeding (E.P.No.E4/2528/10) before the CEO connected with the encroachment eviction and auction of a waqf building in his area (Padamugal of Ernakulam) which started in 2010. In that proceeding Adv.T.U. Siyad appeared before the CEO on 19/04/2012 for hearing and after hearing he went to the first floor of the office of the Board, where he had abused and attacked Shri.K.K.M.Ashraf, the then Senior Superintendent of the Board. The complaint of the Senior Superintendent was forwarded by the CEO to the Police and a criminal case was registered against Adv. T.U. Siyad and his clerk Yahya as per F.I.R No.696/2012 of North P.S. Ernakulam under Section 353 I.P.C.He approached the Honourable High Court for bail as per Bail Application No.3722/2012.Bail order by the High Court is attached herewith. After this incident, they started to make complaints against the Board, CEO and other officers as a pressure tactics to withdraw the criminal case and still they are continuing the same under the guise of an association which was formed in September 2012. All cases/complaints/writ petitions filed by them were dismissed or reported as false by the Police/Vigilance authorities. The following are the details of the matters filed by them.

<i>Sl. No.</i>	<i>Number and name of complainant/counsel</i>	<i>Details.</i>	<i>Results</i>
1.	C.M.P NO.1001/2012 of JFCM Court Aluva. (FIR No.945/2012).Complainant. <u>T.M.ABDUL SALAM</u> as complainant witness) <i>(For the same offence alleged another complaint filed as serial No.2 below)</i>	This is a criminal complaint filed before the Magistrate Court connected with proceedings relating to Padamugal waqf building referred above which was forwarded to Police under Section 156(3) Cr.PC. Police filed final report before the Magistrate Court on 23.10.2012.	Reported that the allegations are FALSE and Police requested the court to delete the F.I.R Number from the register. It is also reported that Abdul salam was the unsuccessful bidder in the auction supervised by the Board.
2.	C.M.P No.542/2012 Vigilance Court, Thrissur (Q.V.No.12/2012of Vigilance. Department) <u>T.M.ABDUL SALAM.</u> As complainant <i>(For the same offence alleged another complaint filed as serial No.1above)</i>	The allegation covered by this complaint is the <u>same covered in serial No.1</u> above. By suppressing its pendency in another court this complaint was filed before the Vigilance Court. Vigilance Court forwarded the same to Vigilance Department, for preliminary enquiry and the report was filed before the Court on 28.09.2013.	The Vigilance Department reported that the allegations contained in the complaint are false and not sustainable in law. It was also mentioned in the report that the petition was filed with ill motive by the petitioner as he was not succeeded in bidding out a Waqf building in the auction supervised by the Board.

3.	<p>CMP.No.406/2012, Vigilance Court, Thrissur (Q.V. No.6/2012 of Vigilance Department) Complainant:-<u>RASHEED</u> claiming as vice president of the organization in which <u>T.M.ABDUL SALAM</u> is the president.</p>	<p>This complaint was forwarded by the Vigilance Court for preliminary enquiry. Allegation is alienation of Waqf properties of Khadija Bai Trust and the officials of the Board including the CEO were implicated as respondents. The complaint was forwarded to the Vigilance Department, for preliminary enquiry and report. Report filed on 25/03/2014.</p> <p>(One <u>T.U.SADATH</u> teacher and brother of Adv. <u>T.U.SIYAD</u> was suspended from the school run by this waqf muthavalli (<u>BABU SAIT-PULLEPADY</u>). Four criminal cases are pending between them as FIR Nos. 997/2012, 998/2012, 1059/2012 and 1094/2012. <u>T.U.SADATH, RASHEED and NASIR MANAYIL</u> are accused in those cases.</p>	<p>Final report filed on 25/03/14 by Vigilance Department before the Court absolving officers of the Board and reported that the allegations against the CEO and officials are <u>baseless and false.</u></p>
4.	<p>Writ Petition No.23430/2010. (T.M.ABDUL SALAM filed impleading Petition through Adv. T.U.SIYAD)</p>	<p>This writ petition was filed by the CEO to expunge the adverse remarks of the Waqf Inquiry Commission constituted under the Commissions of Enquiry Act and the same was pending before the High Court in 2012. After the incident in April, 2012, <u>T.M. ABDUL SALAM filed an impleading petition through Adv. T.U.Siyad</u> and he was heard by the court.</p>	<p>Prayer of the CEO was allowed by the Hon'ble High Court and the adverse remarks in the Wakf Enquiry Commission were expunged as per judgment dated 04/07/2013. <u>No reliefs were granted to T.M.Abdul Salam.</u></p>
5.	<p>Writ Petition No.26893/2012. This is filed by <u>T.M. ABDUL SALAM</u> through Adv. <u>T.U.SIYAD</u></p>	<p>T.M. Abdul Salam was the petitioner in this writ petition. This was also filed by suppressing the disposal of the writ petition covered by serial No.4 above. In this writ petition, he prayed for implementation of the Waqf Inquiry Commission Report. Actually the Government issued an order of Action Taken Report in respect of the Waqf Inquiry Commission Report and the same was filed before the Court as no further action is to be taken in this respect.</p>	<p>The Writ Petition was disposed by the Hon'ble High Court on 24/11/2016 directing the petitioners to approach the appropriate authorities if they are aggrieved by the action Taken Report of the Government. Hence, in result the Writ Petition disposed <u>without allowing any relief claimed by them.</u></p>

6	F.I.R.No.1207/2012 (Complainant Yahya <u>clerk of Adv.T.U. SIYAD</u>)	False Criminal case filed against two staffs (Abdul Jabbar and Yusuf) of the Board.	Pending for trial in court
7	F.I.R. No.1208/2012 (Complainant Adv. <u>T.U.SIYAD</u>)	False Criminal case filed against six staff (Abdul Jabbar, K.K.M. Ashraf, P.K. Jaleel, K.A.Yusuf, M.B.Shaheer and A.Habeeb) of the Board.	Pending for trial in court
8	File No.12299/E2/2012/Vig. Dept Filed by NASIR MANAYIL claiming as Secretary of the organization in which T.M.ABDUL SALAM is the president.	He forwarded false complaints to different authorities like district collectors, department heads and Vigilance Dept. in Kerala against the then CEO. The director Vigilance forwarded the same to chairman for report. Vigilance Dept. also conducted enquiry. The chairman of the Board conducted enquiry as per Wakf rules. Four registered Notices issued to Nasir Manayil to appear and for his evidence. He never appeared. Vigilance Department also conducted enquiry as ordered by the Vigilance Department.	Reports filed by the Vigilance Department and Chairman of the Board that the allegations are false and baseless.
9	File No.28/2016/F1/RD of Revenue Department, Government of Kerala. Complainant. <u>T.M.Abdul Salam</u> claiming as President of Wakf Samrakshana Vedi.	This is a complaint with many defamatory allegations against the CEO, Staff and Board submitted before the Hon'ble Minister of Waqf In June, 2016. A clear report was submitted by the Board to the Government in this respect and the Government is convinced of the facts of the matters covered by the complaint. In this matter, the Board in its meeting held on 27/09/2016 decided to file a criminal prosecution for defamation under Section 499 and 500 IPC and the same is under process now.	Filing of defamation case against Shri T.M. Abdul Salam by the Board is under process.

From the above, it can be seen that all those complaints were originated since 19/04/2012 after the registration of the Criminal Case No.696/2012 against Adv.T.U. SIYAD through whom the above unsuccessful criminal and other complaints/writ petitions were filed. Their intention is to take revenge and to

defame the Board and its officers through Medias by publicizing the details of the complaints filed before different authorities. The latest complaint is also filed with false allegations to create confusion among the public.


C.M. Manju

JUNIOR SUPERINTENDANT

Ernakulam
30-03-2017

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN

FRIDAY, THE 1ST DAY OF JUNE 2012/11TH JYAISHTA 1934

Bail Appl.No. 3277 of 2012 ()

(CRIME NO.696/2012 OF ERNAKULAM TOWN NORTH POLICE STATION)

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PETITIONER(S)/ACCUSED 1 AND 2:

1. ADV.T.U. ZIYAD, AGED 43 YEARS,
S/O.LATE T.K.UMMER THEKKEPPALLIKKAL HOUSE,
UDAYAKUNNAM, CHERANELLOOR, ERNAKULAM.
2. YAHIYA T.S, AGED 43 YEARS,
S/O.SULAIMAN , ADIL APARTMENTS,
MYTHIRIPURAM ROAD, NEAR NGO QUARTERS,
KAKKANADU, ERNAKULAM.

BY SRI.K.RAMAKUMAR, SENIOR ADVOCATE
BY ADV. SRI.SUNIL V.MOHAMMED

RESPONDENT(S)/STATE:

THE SUB INSPECTOR OF POLICE,
ERNAKULAM TOWN NORTH POLICE STATION,
ERNAKULAM THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI 682 031.

BY PUBLIC PROSECUTOR SMT. JASEMINE V.H.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-06-2012, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Kss

N.K.BALAKRISHNAN, J.

B.A. No.3277 of 2012

Dated this the 1st day of June 2012

ORDER

First petitioner is an Advocate. 2nd petitioner is his clerk. The incident allegedly took place at 4.15 PM on 19.4.2012. It is stated that they trespassed into the office of the Kerala State Wakf Board. There was a wordy altercation between the petitioners on the one hand and the Senior Superintendent of that office on the other hand since according to the petitioners, they were not furnished the information based on the petition filed by them earlier. The offence registered against them is under Sec.353 r/w 34 IPC.

2. Learned Senior Counsel submits that as an advocate, 1st petitioner has got every right to enter into that office to enquire about his petition and other matters. A2, being his clerk has also every right to enter into the office

to enquire into such matters on behalf of the advocate. There might have been wordy altercations between them for one reason or other. The only objectionable aspect, according to the prosecution, is that one register (Register No.21) was taken away from the hand of the complainant - the Senior Superintendent and handed over by A1 to A2 with a direction that the said register be burnt and A2 took away the same.

3. Learned counsel for the petitioners submits that the allegation is false. The following directions are issued :-

(i) The **first petitioner** will surrender before the learned Magistrate within 10 days from today. When applied for bail by the accused, the learned Magistrate can, considering the nature of the case, grant bail to the petitioner but on the following conditions:

a. The accused shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the

concerned Court. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts produced by the sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties.

b. The accused shall make himself available for interrogation by the Investigating Officer as and when required.

c. The accused shall produce his original passport before the learned jurisdictional Magistrate. If he is not having any valid passport, he should file an affidavit regarding the same before the Magistrate.

d. The accused will also file affidavit that he will abide by all the conditions as mentioned above and that he will not commit any offence similar to the offence involved in this case and that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to

dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

e. The accused shall not leave the State of Kerala without permission of the court.

f. The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc.

(ii) The **2nd petitioner** shall surrender before the police within 10 days from today. After interrogation the accused shall be produced before the learned Magistrate. When applied for bail by the accused, the learned Magistrate can, considering the nature of the case, grant bail to the petitioner but on the following conditions:

a. The accused shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the concerned Court. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts

produced by the sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties.

b. The accused shall make himself available for interrogation by the Investigating Officer as and when required.

c. The accused shall produce his original passport before the learned jurisdictional Magistrate. If he is not having any valid passport, he should file an affidavit regarding the same before the Magistrate.

d. The accused will also file affidavit that he will abide by all the conditions as mentioned above and that he will not commit any offence similar to the offence involved in this case and that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

e. The accused shall not leave the State of Kerala without permission of the court.

f. The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc.

**N.K.BALAKRISHNAN,
JUDGE.**

001681



സ്രോതാവ്

മുഹമ്മദ് തയ്യിബ് ഹുദവി
കളത്തിൽ ഹൗസ്, തെന്നല പി. ഒ.
മലപ്പുറം - 676 508.

സ്വീകർത്താവ്

ജന. സയ്യിദ് റഷീദ് അലി തങ്ങൾ
ചെയർമാൻ, കേരള സ്റ്റേറ്റ് വഖഫ് ബോർഡ്

വി.ഐ.പി. റോഡ്, കലൂർ, കൊച്ചി - 17. േ,

സർ.

കേരള വഖഫ് സംരക്ഷണ വേദി എന്ന സംഘടനയുടെ പേരിൽ കേരള സംസ്ഥാന വഖഫ് ബോർഡിനെതിരെ നിരന്തരമായി പത്രങ്ങളിലും സമൂഹമാധ്യമങ്ങളിലും വാർത്തകൾ കാണാൻ ഇടവന്നിട്ടുണ്ട്. പ്രസ്തുത കേരള വഖഫ് സംരക്ഷണ വേദിയുടെ ഭാരവാഹികൾ വ്യക്തിപരമായ വിദ്വേഷം കൊണ്ടാണ് ഇത്തരം വാർത്തകൾ പ്രചരിപ്പിക്കുന്നത് എന്ന രീതിയിലാണ് ഉത്തരവാദിപ്പെട്ടവരിൽ നിന്നും ലഭിച്ച മറുപടി. ആയത് ശരിയാണെങ്കിൽ വ്യക്തിപരമായ വിദ്വേഷങ്ങൾക്ക് കാരണം എന്താണെന്നും പ്രസ്തുത സംഘടനയുടെ ഭാരവാഹികൾ നാളിതുവരെ വിവിധ അധികാരികൾ/കോടതികൾ മുമ്പാകെ നൽകിയ പരാതികളിലും കേസുകളിലും തീരുമാനം എന്തായിരുന്നു എന്ന് പൊതുജനങ്ങളെ അറിയിക്കേണ്ടതുണ്ട്. ആയത് സംബന്ധിച്ച് ഒരു ധവളപത്രം ബോർഡിന്റെ വെബ് സൈറ്റിലൂടെയോ ഫെയ്സ് ബുക്കിലൂടെയോ പൊതുജനങ്ങളെ അറിയിക്കേണ്ട ചുമതല ബോർഡിനുള്ളതാണ്. ആയതുകൊണ്ട്, ഇത് സംബന്ധിച്ച് ബോർഡ് നടപടി സ്വീകരിക്കുമെന്നും, ആയതിന്റെ മറുപടി അറിയിക്കണമെന്നും അപേക്ഷിക്കുന്നു.

തെന്നല

23.03.2017

എന്ന്
[Handwritten Signature]
മുഹമ്മദ് തയ്യിബ് ഹുദവി