

## A DIARY

**Dated: 03.04.2025**

1.	<p>OP No.92/2021 Edava Muslim Jama-ath, Thiruvananthapuram Order passed vide separate sheet. Posted to 03.06.2025</p> <p>The I.A is filed seeking to pass an order removing the President, Secretary and the Treasurer of Edava Muslim Jama-ath from their respective posts. The petitioner alleged that the as the respondents failed to handover documents to the Returning Officer as undertaken by them before the Board. While this I.A was pending before the Board the Honourable High Court of Kerala had passed an order dated 26/11/2024 in CRP(WAKF)No.41/2024 &amp; W.P.(c) No.21214/2024 directing the Divisional Waqf Officer, Thiruvananthapuram to take over the control and charge of the Jama-ath by appointing him as the administrator. Hence at present the respondents are not in administration of the Jama-ath. In the above circumstances the prayer in the I.A had become infructuous. As respondents are not in administration of the waqf an order to remove them from administration cannot be passed by the Board. Hence I.A is dismissed.</p> <p>The I.A is filed seeking to pass an order to prosecute and punish the respondents and put them in civil prison for violation of undertaking committed by them and disobeying the order of the Board. The respondent appeared and submitted counter and both the parties were heard in detail.</p> <p>The prayer of the petition is not maintainable before the Board as the Board is not having power to prosecute and punish any person and to put them in civil prison. The power that is vested with the Board is to file prosecution petition before the Concerned Court for the reasons shown in Section 61 of the Waqf Act, 1995. The petitioner had raised a general allegation stating that order of Board is violated but had not specifically and clearly stated the type and nature of the order of the Board and the violation committed by the respondent committee. Evnethough the respondents tried to delay</p>
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	<p>the production of voters list they could not get successful in their attempt as the Honourable High Court had removed them from the administration and the Divisional Waqf Officer is put in charge of the same. In the circumstances the Board is of the opinion that based on the earlier reluctance shown by the respondents in producing the voters list will not now amount to a cause for prosecution as all the documents are now in the custody of the Board and process for making voter list and conducting election is going on under the supervision of the Officer of the Board. In this circumstances the Board is of opinion that based on the earlier reluctancy by the committee in producing the voters list will not now amount to action for taking prosecution as all documents in the Jama-ath is subsequently handed over to the officer of the Board. I.A. is dismissed on the basis of the above findings.</p>
2.	<p>OP No. 02/2021 Kilikolloor Valiya Pally Muslim Jama-ath, Kollam Order passed vide separate sheet.</p> <p>In this matter notice was issued to the interim Mutawalli appointed by the Board for impleading him as additional respondent no.5 but he had not cared to appear before the Board even after service of notice. Hence Office is directed to issue strict notice to the interim mutawalli appointed by the Board directing to appear before the Board on 03/06/2025 With out fail. The Divisional Waqf Officer, Thiruvananthapuram shall ensure that the notice is served and shall inform the mutawalli that Board will be constrained to initiate strict legal action against him in case of failure to appear before the Board. Posted to 03/06/2025.</p>
3.	<p>OP No. 220/2023 Manjalloor Kundayam Hanafy Muslim Jama-ath, Kollam</p> <p>Order not ready. Posted to 28.05.2025</p>
4.	<p>OP No. 14/2020 Chilakkoor Muslim Jama-ath, Thiruvananthapuram Order passed vide separate sheet.</p> <p>The main O.P is filed by the petitioners under Section 32, 47 and 70 of the Waqf Act,1995 seeking for an order to set aside the decision taken on 02.02.2020 by the 1<sup>st</sup> respondent jama-ath against the petitioners and to restrain the respondents from taking any action against the petitioner or obstructing them from interfering in the</p>

jama-ath matters and denying the rights and services enjoyed by the members of the jama-ath. The petitioners are the former office bearers and committee members of the Chilakkoor Muslim Jama-ath. They submitted that the 2<sup>nd</sup> respondent who is an enemical terms with the petitioners made allegations that there was irregularity in the accounts of the construction of Madrassa building and decided to expel the petitioners from the jama-ath and this decision taken by the 2<sup>nd</sup> respondent is void from the beginning.

While the O.P was pending before the Board, petitioners had filed I.A 10/2020 under section 32 of the Waqf Act,1995 and section 151 of the Code of Civil Procedure seeking an order of stay to set aside the decision taken on 02.02.2020 by the 1<sup>st</sup> respondent jama-ath against the petitioners and to restrain the respondents from taking any action against the petitioner or obstructing them from interfering in the jama-ath matters and denying the rights and services enjoyed by the members of the jama-ath. Respondents filed counter and they vehemently objected the I.A. On 20.02.2020 Board had ordered that decision of the respondent committee dated 02.02.2020 is stayed till the disposal of this O.P and respondent committee is directed to provide all service to the petitioners.

Petitioners and respondents had filed proof affidavit and on 20.12.2022 Board had appointed Adv. Pooja as Advocate Commissioner to take evidence. On the side of the petitioners, the 1<sup>st</sup> petitioner was examined and he has deposed that all the documents and accounts were placed in the general body and the records with income and expenditure were entrusted to the new committee. From the side of respondents the secretary of the jama-ath was examined as RW1. B6 & B7 were objected by the petitioner since B6 is a letter written by one Abdul Samad and B7 is a photocopy.

Petitioners and respondents had filed argument note in the main O.P. Petitioners submitted that there is no irregularity in the construction and the entire accounts, expenditure etc were handed over at the time when charge was given. The publication of notice for expulsion from the jama-ath and letters are without any authority or any supporting documents. There is no provision or authority for the respondents to expel the members of the jama-ath. There is an outcome of vengeance on the side of the 2<sup>nd</sup> respondent. Hence they are seeking for an order to set aside the decision taken on 02.02.2020

	<p>by the 1<sup>st</sup> respondent jama-ath against the petitioners.</p> <p>Respondents argued that the petitioners being the former office bearers and the construction committee members, they are liable to pay the loss sustained to the jama-ath. The petitioners couldn't produce any document to show that the entire amount collected by them has been utilized for the construction of the mosque. Therefore the decisions taken by the jama-ath committee on 02.02.2020 against petitioners are legally sustainable and there is no sufficient grounds to set aside the notice dated 02.02.2020 published by the respondents and all consequential proceedings in pursuance of the notice.</p> <p>On perusal of byelaw of the Jama-ath it is seen that eventhough it is stated that punitive action can be initiated against members who had caused loss to the waqf, the action that is to be taken is not mentioned in the byelaw. Even if any punitive action is to be initiated same shall not affect any religious or human rights of the persons against whom action is to be taken. Denial of rights and services from a Jama-ath to a particular person will affect his religious as well as human rights and hence that cannot be allowed at any cost. As per waqf act the loss incurred for a waqf is to be assessed by conducting auditing and if it is found that any person had incurred loss to the waqf same can be recovered by way of revenue recovery. The respondents had not initiated any steps for the same. Expelling a person from membership is not a solution for loss if any incurred to a waqf. In the light of the above finding OP is allowed and the decision taken on 02.02.2020 by the 1<sup>st</sup> respondent jama-ath against the petitioners is hereby set aside and the respondents are restrained from taking any action against the petitioner or obstructing them from interfering in the jama-ath matters and denying the rights and services enjoyed by the members of the jama-ath.</p>
5.	<p>OP No. 68/2021 Pallisserikkal Sasthamkotta Muslim Jama-ath, Kollam</p> <p>Order not ready. Posted to 28.05.2025</p>
6.	<p>OP No.170/2023- Sayed Usman Sahib Memorial Madrassa Noorul Islam Association, Thiruvananthapuram</p> <p>Order not ready. Posted to 28.05.2025</p>
7.	<p>OP No. 116/2024 Nemom Muslim Jama-ath, Thiruvananthapuram</p> <p>Order passed vide separate sheet.</p> <p>The main O.P. is filed by the petitioners under Sections 32, 46, 47,</p>

and 48 of the Waqf Act and under Section 26 of the Code of Civil Procedure, seeking to register a Partition Deed in favour of two jama-aths, namely Nemom Juma-ath Pally and Kuruvani Muslim Jama-ath, for the waqf property measuring 84 cents, as per the Order of the Honourable High Court of Kerala, it is also seeking that, if the respondents do not act accordingly the Board may intervened and register the deed and for other related reliefs. Petitioners submitted that there was a property dispute between 2 jama-ath having an extent of 31.90 ares comprised in Re.Sy No. 88/7 of Kalliyoor Village. The petitioners argued that they had filed O.S 17/2012 Before the Hon'ble Waqf Tribunal, Kollam seeking for declaration of ownership of the above said land. The Tribunal had passed a decree in favour of petitioner juma-ath. Aggrieved by this Order, the respondent jama-ath had filed CRP(Wakf) No. 141/2016 before the High court of Kerala. The matter has been settled between parties as per the settlement talks held at High Court Mediation Centre. The settlement approved by the High Court and divided the land into two equals. The western portion comprising 42 cents of land was allocated to Nemom Muslim Jama-ath and the remaining 42 cents were assigned to Kuruvani Jama-ath. Subsequently, both jama-ath took possession of their respective portions of land and have been enjoying full ownership and peaceful possession ever since. Subsequently, the petitioners had repeatedly both orally and in writing demanded that the properties allotted to both jama-ths through formally partitioned and demarcated. However, the respondents have not consented to this till now. The petitioners had submitted a draft partition deed and location sketch before the Divisional Waqf Officer, Thiruvananthapuram on 15.06.2024, but the respondents did not ready to accept it.

Respondents appeared before the Board and no counter was filed. Hence they were set ex-parte and case was posted for exparte evidence. On 20.11.2024 petitioners had filed chief affidavit and produced Exhibit A1 to A4 documents. On perusal of the file it is seen that the prayer sought for is not within the powers of the Board and Board cannot issue any direction as prayed in the OP as Board is not having jurisdiction for the same. Hence OP stands dismissed.

8.	OP No. 108/2024 Kurinjilakkad Muslim Jama-ath, Thiruvananthapuram
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	<p>Order passed vide separate sheet.</p> <p>The main O.P is filed by the petitioners under Section 32 of the Waqf Act seeking to to audit the accounts of the 1<sup>st</sup> respondent jama-ath in the year 2019 to 2024, to appoint a returning officer to conduct election in the 1<sup>st</sup> respondent jama-ath, to direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents not to conduct election without prior permission from the Board and for other related reliefs. Respondents appeared and filed vakalath but had not filed counter. In this matter the Board had appointed Adv.Zikander as Returning Officer for conducting election to the Jama-ath Committee. He had conducted election as directed by the Board and had submitted report after handing over charge to the newly elected committee. As election is over and report is filed the Board finds that this matter can be closed without any further action. Op is closed accordingly.</p>
9.	<p>OP No. 108/2023 Vakkam Padinjare Muslim Jama-ath, Thiruvananthapuram</p> <p>Order not ready. Posted to 28.05.2025</p>
10.	<p>EP 4963/24/TVM- Karunagappally Muslim Jama-ath</p> <p>Order passed vide separate sheet.</p> <p>This enquiry proceedings was initiated on the basis of a complaint submitted by the President of the waqf with regard to the obstructions caused in the administration of the waqf, auction etc. The Divisional Waqf Officer had deputed an officer for conducting enquiry who had reported that there is increase in income of the waqf, that three committee members namely Aseem, Abdul Majeed and Noushad are causing obstructions in the functioning of the Jama-ath and suggested to appoint an Executive Officer for the transparent conduct of auction and to supervise that the Jama-ath is not incurring any loss. The Jama-ath President submitted that there is law and order problem in the Jama-ath due to the dispute and requested to provide necessary legal support. The Chief Executive Officer had placed the request of the Jama-ath president and the report of the DO before the Board for appointment of an Executive Officer. Eventhough notice for hearing was issued to the parties, none of them appeared before the Board and the matter was posted for orders.</p> <p>The Board discussed the matter in detail, perused the documents and is convinced that the waqf involved in this matter is a waqf having an income of more than 5 Lakhs. The Divisional Waqf</p>

	<p>Officer had recommended to appoint an Executive Officer under section 38 of the Waqf Act, 1995 on the basis of enquiry report. The Board finds that in order to ensure that the administration of the Jama-ath is conducted in a transparent manner and also as provided under the provisions of the Waqf Act, 1995 it is necessary to appoint an Executive Officer under section 38 of the Waqf Act, 1995. On the basis of the above findings Adv. Anoop Khan T. R is appointed as the Executive Officer to work on part time basis for a monthly remuneration of Rs. 10000/- which shall be initially paid from the Waqf Fund and shall be re-imbursed from the waqf as provided under Section 38(5). The Executive Officer shall exercise his powers and discharge his duties under the direction, control and supervision of the Board and shall ensure that he acts in accordance with the provisions of the Act.</p>
11.	<p>OP No. 10/2015 Rifayee Juma Masjid, Kollam Order not ready. Posted to 28.05.2025</p>
12.	<p>OP No. 240/2023 N. M. A. Hanafy Jama-ath, Kollam Order not ready. Posted to 28.05.2025</p>
13.	<p>OP No. 42/2021 Thajul Islam Jama-ath, Kollam Order passed vide separate sheet.</p> <p>The petitioners had filed the main O.P. under section 83 and 71 of the Waqf Act, 1995 read with order VII rule I of the Code of Civil Procedure 1908 seeking to pass order to conduct an audit of accounts of 3<sup>rd</sup> respondent to be conducted during the period when the 1<sup>st</sup> and 2<sup>nd</sup> respondents were president and treasurer of the 3<sup>rd</sup> respondent along with either the presence of the petitioner or his nominee, recover from 1<sup>st</sup> and 2<sup>nd</sup> respondents all the losses incurred by the 3<sup>rd</sup> respondent due to mismanagement and undue benefit taken by the 1<sup>st</sup> and 2<sup>nd</sup> respondents and for other related reliefs.</p> <p>It is seen that Board had already conducted audit of accounts for the period mentioned in the petition. Audit report is submitted before the Board also. There is no provision in the Waqf Act to disqualify any person from contesting election on the basis of the findings in the audit report. The punitive action to be taken on the basis of the audit report is clearly mentioned in Section 48 of the Waqf Act, 1995. On the basis of the above findings the Divisional Waqf Officer is directed to call for explanations and give necessary directions for rectifying the mistakes pointed out by the auditor in the audit report. If any amount is to be recovered on the basis of the</p>

	certification of the auditor the Divisional Waqf Officer shall place the matter before the Board through administrative side. Matter is disposed of accordingly.
14.	OP No. 124/2023 Neeravil Muslim Jama-ath, Kollam Order not ready. Posted to 28.05.2025
15.	OP No. 128/2023 Kappukad Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 28.05.2025
16.	<p>OP No. 242/2023 Kanjippuzha Muslim Jama-ath, Alappuzha Order passed vide separate sheet.</p> <p>The petitioners herein are the beneficiaries and members of the Kanjippuzha Muslim Jama-ath and they had filed this OP under Sections 32, 47 &amp; 70 of the Waqf Act 1995, seeking to conduct election to the 1<sup>st</sup> respondent committee as per byelaw under the supervision of the Board in a transparent manner and to conduct auditing of accounts of the 1<sup>st</sup> respondent waqf from 2020 to 2023 and to recover the loss caused to the waqf by the responsible office bearers.</p> <p>Along with the OP the petitioners had filed two Interlocutory Applications. In IA 259 of 2023 the Board restrained the waqf from conducting election to the Jama-ath without obtaining prior permission from the Board and in IA 260 of 2023 directed the DO, Kottayam, to conduct audit of the accounts from 2019-2020 to 2022-2023.</p> <p>The petitioners had filed application on 18.02.2025 seeking to appoint an Advocate Commissioner as the Returning Officer to conduct election as per byelaw to the jama-ath to issue necessary instructions to DO, Kottayam to carry out the furthers steps of auditing and to conduct enquiry and submit report regarding the Waqf activities during the period of the respondents. It is learned that election to the Jama-ath committee is not conducted properly. For the past 2 years there is an order from the Board restraining election. On the basis of the above finding the Board appoints Adv.A.A.Jaleel as Returning Officer for conducting election to the Jama-ath Committee through secret ballot system as per the provisions of the bye law of the Jama-ath. He is entitled for an initial batta of Rs.25,000/- which shall be paid by the committee within 15 days from the date of receipt of this order. The Returning Officer can fix an amount not exceeding Rs.2000/- as nomination fee from the contesting candidates and shall complete the election process</p>



	<p>within 3 months from today. The expenses for the election shall be met from the Jama-ath funds.</p> <p>The committee shall co-operate with the Returning Officer for the conduct of election and prosecution steps shall be initiated by the Divisional Waqf Officer if the Jama-ath Committee fails to co-operate with the Returning Officer. The Divisional Waqf Officer shall complete the audit process and shall call for explanations and give necessary directions for rectifying the mistakes pointed out by the auditor. If any amount is to be recovered on the basis of the certification of the auditor the Divisional Waqf Officer shall place the matter before the Board through administrative side. Matter is disposed of accordingly.</p>
17.	<p>OP No. 226/2024 Ilamballoor Muslim Jama-ath, Kollam Order passed vide separate sheet in IA No. 366/2024. Posted to 03.06.2025</p> <p>The original petition is related to the dispute regarding the removal and relocation of the foundation stone related to the renovation of the Waqf mosque by the respondents.</p> <p>The petitioners had filed IA 366 of 2024 to restrain the respondents from demolishing or losing the foundation stone.</p> <p>The respondents had filed the counter affidavit denying all the allegations raised by the petitioners. The Board heard both the parties and finds that foundation stone laid is to be kept in tact as it is a memory for ever which displays the name of the persons who were part of the function. No proper reason is mentioned by the respondents with regard to the reason for the removal of the same. Hence I.A is allowed and the respondents are restrain from removing and relocating the foundation stone related to the renovation of the mosque and if they had done any action for removal of the same, it is to be re-instated within 15 days from the date of this order.</p>

18.	<p>OP No. 140/2024 Kilikolloor Thekkumkara Muslim Jama-ath, Kollam</p> <p>Order passed vide separate sheet in IA No. 212/2024. Posted to 03.06.2025</p> <p>The Secretary of the above waqf had filed present OP against the previous office bearers of the waqf seeking to issue direction to the 1<sup>st</sup> respondent to hand over Rs. 1,00,000/- including the receipt book to the jama-ath or the Board and to fix personal liability to the respondents for the damages caused to the jama-ath.</p> <p>The petitioner had filed IA 212/2024 seeking the same prayer in the Original Petition. Respondent had filed counter to the I.A and he vehemently objected. He submitted that this I.A is not maintainable since the O.P is filed for the very same purpose and for the very same reliefs.</p> <p>The Board perused the I.A and the main OP and finds that both the prayers are same. An order in this petition could be passed only after taking evidence and considering the same. Hence I.A is posted along with the OP.</p>
19.	<p>OP No. 260/2024 Perumathura Muslim Jama-ath, Thiruvananthapuram</p> <p>Order passed vide separate sheet.</p> <p>The OP is filed by the petitioners seeking to conduct audit of accounts of the 1<sup>st</sup> respondent Jama-ath from the year 2010 by deputing an authorized auditor. The petitioners claimed that they were members of the Jama-ath committee during various period and had submitted resignation due to the arrogant and dictatorial behavior of the 2<sup>nd</sup> respondent. The petitioners claimed that huge amount is collected for various things and no proper accounts are</p>

	<p>maintained for the same.</p> <p>Eventhough the respondent appeared before the Board they had not filed any counter. They submitted that they are keeping proper accounts and the case is a false case.</p> <p>The Board discussed the matter and hereby decides that the audit of accounts of the Jama-ath for the past years can be conducted by appointing an auditor. Auditing of accounts for the period prior to 5 years is not practical and hence same cannot be allowed. The Divisional Waqf Officer shall appoint a suitable person as auditor for auditing the accounts of the Jama-ath for the period from 2020-21 to 2024-2025 and shall complete the audit process calling for explanations and give necessary directions for rectifying the mistakes pointed out by the auditor. If any amount is to be recovered on the basis of the certification of the auditor the Divisional Waqf Officer shall place the matter before the Board through administrative side. Matter is disposed of accordingly.</p>
20.	<p>OP No. 144/2024 Vakkam Kizhakke Muslim Jama-ath, Thiruvananthapuram</p> <p>Order passed vide separate sheet in IA No. 61/2025. Posted to 03.06.2025</p> <p>The petitioners had filed the main O.P. under section 32, 45, 70 and 71 of the Waqf Act, 1995 seeking to audit the accounts of the jama-ath for the period 2014 -2024 and to take action against responsible persons if it is found that waqf fund is illegally utilized or lost, to appoint a returning officer for conducting election to the jama-ath committee and for other related reliefs. As per the order issued in I.A309/2024 regarding the election of Vakkam Kizhakke Muslim Jama-ath, Adv. Kaniyapuram Haleem was appointed as the returning officer to conduct the election of the Jama-ath and Board had directed to complete the election within three months. However, due to Ramzan and subsequent Eid-UI fithr, the members of the Jama-ath are busy, due to which the election process is delayed and it cannot be completed within three months. Hence, the petitioners had filed I.A 61/2025 seeking to two months extension to complete the election. The Board finds that the prayer of the petitioner is</p>

	reasonable and hence I.A stands allowed.
21.	<p>AA No. 276/2024 Pachalloor Muslim Jama-ath, Thiruvananthapuram Order passed vide separate sheet.</p> <p>Present appeal is filed by the Secretary of Pachalloor Muslim Jama-ath, Thiruvananthapuram under section 72(7) of the Waqf Act, 1995 seeking to set aside the assessment of the order passed by the assessing authority for the assessment year 2015-16 to 2021-2022 and to pass a fresh order in this regard. The appellant had remitted the 1/3<sup>rd</sup> of the disputed of amount for the year 2015-16 to 2021-2022 as provide under the Kerala Waqf Rules.</p> <p>The averment in the appeal memorandum is that the Divisional Waqf Officer had assessed the waqf on Best Judgment basis due to failure of submission of accounts of the, that same is not willful, that the waqf is not having sufficient funds for remitting the contribution and prayed for pardon for the non submission of accounts before Board. Hence, they approached this appellate authority seeking to set aside the order of assessment passed by the Assessing Authority and to exempt from remitting the amount so assessed.</p> <p>On verification of the office records, it is seen that Best Judgment Assessment was made as the committee administering the waqf failed to submit the accounts before the Board as contemplated under the Waqf Act and the waqf failed to remit the contribution amount due. Even though several notices directing to submit accounts were issued to the Jama-ath, it failed to submit accounts in time. In the above circumstances, the assessing authority has assessed the waqf on best judgment basis for the disputed period.</p> <p>On going through the above facts and circumstances, the Board is of the opinion that one more opportunity can be given to the appellant to prove the contentions raised in the appeal. The assessing authority is directed to re-assess the accounts of the waqf for the appeal period in accordance with the Act, Rules and Regulations, after considering the returns submitted along with the appeal memorandum. If the assessing authority is not satisfied along with this appeal, the authority is free to call for the supporting books and documents and conduct audit of accounts if found necessary. The</p>

	appeal is allowed accordingly.
22.	<p>AA No. 274/2024 Ezhamkulam Mahallu Muslim Jama-ath, Pathanamthitta</p> <p>Order passed vide separate sheet.</p> <p>Present appeal is filed by the Secretary of Ezhamkulam Muslim Jama-ath, Pathanamthitta under section 72(7) of the Waqf Act, 1995 seeking to set aside the assessment of the order passed by the assessing authority for the assessment year 2021-22 and to pass a fresh order in this regard. The appellant had remitted the 1/3<sup>rd</sup> of the disputed of amount for the year 2021-22 as provide under the Kerala Waqf Rules.</p> <p>The averment in the appeal memorandum is that the failure of submission of accounts of the waqf is not willfull, that it occurred due to the change in the Jama-ath management committee, there was a delay in submitting the accounts to the new committee and as per the concurrence arrived in the adalath conducted at Thiruvananthapuram Divisional Office 1/3<sup>rd</sup> of the amount of Best Judgment was paid by them and prayed for pardon for the non submission of accounts before Board. Hence, they approached this appellate authority seeking to set aside the order of assessment passed by the Assessing Authority and to exempt them from remitting the amount so assessed.</p> <p>On verification of the office records, it is seen that Best Judgment Assessment was made as the committee administering the waqf failed to submit the accounts before the Board as contemplated under the Waqf Act and the waqf failed to remit the contribution amount due. Even though several notices directing to submit accounts were issued to the Jama-ath, it failed to submit accounts in time. In the above circumstances, the assessing authority has assessed the waqf on best judgment basis for the disputed period.</p> <p>On going through the above facts and circumstances, the Board is of the opinion that one more opportunity can be given to the appellant to prove the contentions raised in the appeal. The assessing authority is directed to re-assess the accounts of the waqf for the appeal period in accordance with the Act, Rules and Regulations, after considering the returns submitted along with the appeal</p>

	memorandum. If the assessing authority is not satisfied with the accounts submitted along with this appeal, the authority is free to call for the supporting books and documents and conduct audit of accounts if found necessary. Appeal is allowed as above.
23.	OP No. 14/2022 Manakkad Valiya Pally Muslim Jama-ath, Thiruvananthapuram Order not ready. Posted to 28.05.2025
24.	OP No. 62/2023 Karalikkonam Karakkal Muslim Jama-ath, Kollam Order not ready. Posted to 28.05.2025
25.	OP No. 146/2017 Vanmeni Muslim Jama-ath, Kollam Both counsel represented. For steps. Posted to 28.05.2025
26.	OP No. 56/2023 Kattumurakkal Muslim Jama-ath, Thiruvananthapuram IA No. 427/2024. Heard. Allowed. For filing chief affidavit by the petitioner. Posted to 28.05.2025
27.	EP No. 2987/19 Anappuzhakkal Muslim Jama-ath, Kollam Commission warrant recalled. Adv. Shifa is appointed as advocate commissioner to record evidence. Rs. 2500/- per day per witness. For commission report. Posted to 28.05.2025
28.	WOS No. 14/2012 Khaja Moinudheen Jisthi Thaikkavu, Kollam Batta not paid. Call on 28.05.2025
29.	EP No. A9-5889/2024 Karuva Muslim Jama-ath, Kollam Returning officer report received. Election is over. For orders. Posted to 28.05.2025
30.	OP No. 164/2023 Anchal Muslim Jama-ath, Kollam IA No. 307/2024 to produce documents already allowed. Affidavit filed by R2 to R4 stating that documents are not in custody. IA No. 307/2024 closed. Take steps. Posted to 28.05.2025
31.	OP No. 188/2023 Kattumurakkal Muslim Jama-ath, Thiruvananthapuram IA No. 258/2024 not pressed. Dismissed. For orders in IA No. 165/2023, 166/2023 and 162/2023. IA No. 114/2025 and counter. Posted to 28.05.2025
32.	OP No. 100/2023 Chirayinkeezhu Muslim Jama-ath, Thiruvananthapuram For report of Returning officer. Posted to 28.05.2025
33.	IA No. 245/2023 in EP No. 2492/2018 Polayathode Pareediya Masjid Muslim Jama-ath, Kollam

	IA No. 417/2024 to appoint returning officer along with OP. For Commission report. Posted to 28.05.2025
34.	OP No. 184/2023 Thiruvananthapuram Valiya Pally Muslim Jama-ath, Thiruvananthapuram Joint trial in OP No. 196/2023, 118/2023, 184/2023. For filing chief affidavit of the petitioner. Posted to 28.05.2025
35.	OP No. 196/2023 Thiruvananthapuram Valiya Pally Muslim Jama-ath, Thiruvananthapuram IA No. 4/2024 to reopen the evidence. Already reopened and Joint trial ordered. IA No. 4/2024 closed. IA No. 194/2023 stand along with OP. Posted to 28.05.2025
36.	OP No. 118/2023 Thiruvananthapuram Valiya Pally Muslim Jama-ath, Thiruvananthapuram Joint trial ordered in OP No. 196/2023 to try along with OP No. 184/2023. For filing proof affidavit of the petitioner. Posted to 28.05.2025
37.	OP No. 218/2024 Valiya Veli Kanjirod Puthen Pally Jama-ath, Thiruvananthapuram Counter in IA No. 355/2024, 354/2025, 353/2025 filed. Counter in OP filed along with the permission. For hearing. Posted to 28.05.2025
38.	OP No. 224/2024 Punukkannoor Muslim Jama-ath, Kollam Counter of R1 to R3. IA No. 112/2025 not to convene general body. Heard. IA partly allowed. Divisional Waqf Officer, Thiruvananthapuram is directed to depute an officer as observer to the general body and file detailed report. Petitioner shall pay an amount of Rs. 2000/- as batta to observer. Posted to 28.05.2025
39.	OP No. 112/2024 Chinnakkada Muslim Jama-ath, Kollam For counter of R4, 5, 7 finally. Posted to 23.04.2025
40.	OP No. 90/2024 Kilikolloor Thekkumkara Muslim Jama-ath, Kollam Counter in OP R12, 14 to 17 filed. For counter of R1 to 11 and 13. No counter to IA No. 112/2024 by respondent. Posted to 28.05.2025
41.	OP No. 48/2024 Kilikolloor Thekkumkara Muslim Jama-ath, Kollam IA No. 53/2024. Call on 28.05.2025
42.	OP No. 160/2024 Punukkannoor Muslim Jama-ath, Kollam For counter in IA No. 255/2024 to set aside election notification. For counter in IA No. 256/2024. Posted to 28.05.2025
43.	OP No. 162/2024 Muthirapparamb Muslim Jama-ath, Kollam

	Exparte affidavit filed. For orders. Posted to 28.05.2025
44.	OP No. 168/2024 Thadikkad Muslim Jama-ath, Kollam Audit report received. Counter in OP and objection in audit report. Await notice to 5 <sup>th</sup> additional respondent. Posted to 28.05.2025
45.	OP No. 234/2024 Kumarapuram Muslim Jama-ath, Thiruvananthapuram Counter in IA No. 374/2024. No counter in IA No. 70/2025 impleading application. Heard. Allowed. Impleaded as additional 6 <sup>th</sup> respondent. Office is directed to carry out amendment. For counter of 6 <sup>th</sup> respondent. Posted to 28.05.2025
46.	IA No. 420/2024 in OP No. 108/2023 Vakkam Padinjare Muslim Jama-ath, Thiruvananthapuram Notice taken by the respondents. IA No. 420/2024. Heard. Dismissed.
47.	OP No. 46/2022 Peyad Hidayathul Islam Muslim Jama-ath, Thiruvananthapuram For counter in IA No. 267/2024, 8/2024, 39/2024. Posted to 28.05.2025
48.	IA No. 422/2024 in OP No. 42/2024 North Mynagappally Muslim Jama-ath, Kollam Heard. Allowed on payment of cost of Rs. 3000/- to the respondent. For payment of cost. Posted to 28.05.2025
49.	OP No. 258/2024 Manikkal Muslim Jama-ath, Thiruvananthapuram IA No. 416/2024 counter filed. Counter filed in OP. IA No. 416/2024 for hearing. Posted to 28.05.2025
50.	OP No. 262/2024 Oyoor Muslim Jama-ath, Kollam For counter in IA No. 428/2024, 429/2024, 73/2025, 113/2025. Posted to 28.05.2025
51.	OP No. 142/2024 Paravoor Muslim Jama-ath, Kollam For audit report. Pay batta to the supplementary respondents 2,3,4,5,6. Posted to 28.05.2025
52.	OP No. 114/2024 Ayiramthengu Muslim Jama-ath, Kollam Counter in IA No. 65/2025 in IA No. 66/2025 filed. OP and IA's heard. Respondent submitted that they don't have any objection in conducting election by appointing a Returning Officer. Hence Adv. Ziad is appointed as Returning officer for conducting election to the Jama-ath through secret ballot system as per provisions of bye law after following all procedural formalities. He is entitled for an initial batta of Rs. 25000/- which shall be paid by the committee within 15 days from the date of receipt of receipt of this order. The returning



	officer shall fix an amount not greater than Rs. 2000/- as nomination fee from the contesting candidates and complete the election process within 3 months from the date of receipt of this order. The expenses for the conduct of election shall be met from the Jama-ath funds. For report of Returning officer. Posted to 03.06.2025
53.	OP No. 166/2024 Thajul Islam Jama-ath, Kollam For report of the Returning officer. Posted to 28.05.2025
54.	OP No. 10/2024 Paravoor Muslim Jama-ath, Kollam For report of the returning officer. Posted to 28.05.2025
55.	IA No. 375/2024 in OP No. 130/2022 Kumarapuram Muslim Jama-ath, Thiruvananthapuram IA No. 375/2024 counter filed. Heard. For orders. R3 filed fresh vakkalath. Posted to 28.05.2025
56.	OP No. 146/2024 Keralapuram Muslim Jama-ath, Kollam For argument notes. Posted to 28.05.2025
57.	OP No. 192/2024 Thevalakkara Darul Islam Juma Masjid, Kollam Counter in IA No. 311/2024 filed. For counter in IA No. 419/2024. Issue copy to the respondent. Posted to 28.05.2025
58.	OP No. 248/2024 Punaloor N. M. A. Hanafy Jama-ath, Kollam For counter. Posted to 28.05.2025
59.	OP No. 12/2025 Manjappara Muslim Jama-ath, Kollam Reply affidavit filed. For steps. Objection to commission report. Posted to 28.05.2025
60.	OP No. 06/2025 Veluthamanal Muslim Jama-ath, Kollam For counter. Posted to 28.05.2025
61.	OP No. 56/2024 Mavalli Muslim Jama-ath, Kollam For orders in IA No. 57/2024 and counter in IA No. 163/2024. Counter in OP. Posted to 28.05.2025
62.	OP No. 182/2024 Poonthura Puthen Pally, Thiruvananthapuram For hearing. Posted to 28.05.2025
63.	IA No. 229/2022 in OP No. 68/2013 Ochira Thanveerul Islam Sangham, Kollam IA No. 106/2025 copy given. No objection allowed. Office is directed to carry out amendment. Take steps against Supplemental R5 and R6. Posted to 28.05.2025
64.	OP No. 112/2022 Kilikolloor Siyarathumood Muslim Jama-ath, Kollam IA No. 115/2025 notice given. For counter and hearing. Put up interim report submitted by the Returning officer in OP No. 32/2021.

	Posted to 08.04.2025 Tirur.
65.	OP No. 120/2021 Adoor Muslim Jama-ath, Pathanamthitta Divisional Waqf Officer report not filed. For report of Divisional Waqf Officer. Posted to 28.05.2025
66.	OP No. 46/2025 Kaniyapuram Muslim Jama-ath, Thiruvananthapuram Counter in IA No. 57/2025 filed. For counter in IA No. 58/2025 and IA No. 59/2025. For counter in IA No. 121/2025. Posted to 28.05.2025
67.	OP No. 60/2025 Chilakkoor Muslim Jama-ath, Thiruvananthapuram Notice to R1 to R3 served. Appeared in person. Heard. The respondents agreed to conduct election. The petitioner and respondents conceded that election can be conducted by selection from the general body in the presence of an observer from the Board. Hence Divisional Waqf Officer, Thiruvananthapuram is directed to depute an officer as observer to the general body of Chilakkur muslim Jama-ath which is called for to elect the new managing committee. The respondents shall publish necessary notice for the general body and inform the Divisional Waqf officer about the date of the general body. Upon receiving the date of general body the Divisional Waqf Officer shall depute officer as observer. An amount of Rs. 2000/- shall be paid to the observer as batta by the Jama-ath committee. For report of observer. Posted to 03.06.2025
68.	OP No. 56/2025 Kanjippadam Muslim Jama-ath, Alappuzha Adv. A. A. Jaleel filed vakkalath for R4. No representation by R1 to R3. Name called. Set exparte. IA No. 67/2025. Interim order passed to the effect that policy decision shall not be taken by the respondent till disposal of the OP. Serve order through special messenger. Posted to 28.05.2025
69.	OP No. 98/2025 Chinnakkada Muslim Jama-ath, Kollam Notice to respondents served. Adv. Siyad propose vakkalath for R2 to R7 and 9. Fresh notice against R1 & R8. No representation R10. Name called. Set exparte. Posted to 28.05.2025
70.	OP No. 50/2025 Nakramkonam Muslim Jama-ath, Thiruvananthapuram Notice served to all respondents. R1 to R3 served and appeared in person. Statement filed. No representation by the petitioner and counsel. Election is over. Observer report filed. Accordingly OP Closed.

71.	OP No. 58/2025 Thattamala Muslim Jama-ath, Kollam Adv. Sajal filed vakkalath for all respondents. For counter in OP. IA No. 68/2025. Posted to 28.05.2025
72.	OP No. 64/2025 Kottarakkara Muslim Jama-ath, Kollam Notice to respondents served. Adv. Badarudheen koya for R1 to R7. No representation by the petitioner. Name called. Election is over. OP dismissed.
73.	OP No. 62/2025 Mannar Muslim Jama-ath, Alappuzha Adv. Sunil Muhammed offered vakkalath for all respondents. Counter in IA No. 72/2025 and OP. Posted to 23.04.2025
74.	OP No. 72/2025 Kuruvani Muslim Jama-ath, Thiruvananthapuram Adv. Unniraja filed vakkalath for R1 to R8, 10 to 11. Issue notice to R9. For counter to IA No. 80/2025 and counter of IA No. 79/2025. For counter in OP R1 to R8, 10 to 11. Posted to 28.05.2025
75.	OP No. 88/2025 Karuva Muslim Jama-ath, Kollam Adv. Ajayan filed vakkalath for all respondents. IA No. 86/2025 and For counter in IA No. 87/2025 and counter in OP. Posted to 28.05.2025
76.	OP No. 90/2025 Vattiyoorkkavu Muslim Jama-ath, Thiruvananthapuram Respondent appeared in person. Respondents submitted affidavit stating that they are re-calling the suspension notice issued against the petitioner and are not having any objection in the petitioner contesting as a candidate. They also submitted that they have no objection in appointing an observer by the Board to monitor election. The name of the petitioner is included in the voters list. In the light of affidavit the respondents are directed to inform the Divisional Waqf Officer, Thiruvananthapuram the date of election after notifying the date after following all procedural formalities 7 days prior to the date of general body. In such circumstances, Divisional Waqf officer shall depute an officer as observer. Who shall attend meeting and report. The Jama-ath committee shall pay an amount of Rs.3000/- as batta to the observer. The petitioner shall be permitted to vote and contest the election. Posted to 03.06.2025
77.	OP No. 196/2024 Poonthura Puthen Pally Muslim Jama-ath, Thiruvananthapuram Counter filed. For appearance of parties. Posted to 28.05.2025
78.	EP No. A9-6242/2017 Chinnakkada Muslim Jama-ath, Kollam IA No. 122/2025. High court order produced. For hearing. Posted to 23.04.2025

79.	OP No. 08/2025 Kumarapuram Muslim Jama-ath, Thiruvananthapuram Argument notes filed. For orders. Posted to 28.05.2025
80.	OP No. 242/2024 Kaniyapuram Muslim Jama-ath, Thiruvananthapuram IA No. 431/2024 allowed. IA No. 123/2025 maintainability issue petition. For counter. For appearance of parties. Posted to 28.05.2025
81.	OP No. 104/2025 Pezhummood Puthen Pally, Thiruvananthapuram Respondent appeared through Adv. A. Rahim. Issue notice to R7. For counter. Posted to 28.05.2025
82.	EP No. (A9) 3136/2024/TVM Nannathukavu Pothencode Muslim Jama-ath, Thiruvananthapuram For payment of additional Batta. Posted to 28.05.2025
83.	OP No. 52/2025 Salsabeel Salafy Masjid Paripalana Committee, Kollam R1 to R3 appeared through Adv. Badarudheen. For counter and vakkalath. Posted to 28.05.2025
84.	EP No. (A9)-8081/24/TVM Pangode Puthen Pally, Thiruvananthapuram settlement filed. For orders. Posted to 12.06.2025
85.	OP No. 232/2024 Chinnakkada Muslim Jama-ath, Kollam Counter in IA No. 99/2025, 100/2025, 101/2025 filed. For counter in IA No. 102/2025 and 103/2025 and for hearing. Posted to 28.05.2025
86.	OP No. 106/2025 Chinnakkada Muslim Jama-ath, Kollam Issue notice to the respondents. Posted to 03.06.2025
87.	OP No. 108/2025 Akalad Puthen Pally Mahallu Jama-ath, Thrissur Issue notice to the respondents. Posted to 23.04.2025
88.	OP No. 110/2025 Kattumurakkal Muslim jama-ath, Thiruvananthapuram Issue notice to the respondents. Posted to 03.06.2025 IA No. 107/2025 Heard. The petitioner had made out a prima facie case. The respondents are restrained from conducting election without obtaining prior permission of Board. IA No. 109/2025 Divisional Waqf Officer, Thiruvananthapuram is directed to conduct audit of accounts of the Jama-ath for the period of 2024-25 and complete the procedure including calling for explanation and if any

	action for recovery is to be initiated he shall place the matter before the Board through administrative side.
89.	OP No. 112/2025 Pallikkara Muslim Jama-ath, Ernakulam Issue notice to the respondents. Posted to 23.04.2025
90.	OP No. 114/2025 Puthentheruvu Muslim Jama-ath, Kollam Issue notice to the respondents. Posted to 03.06.2025 IA No. 118/2025 Heard. The petitioner had made out a prima facie case. Adv. A. A. Jaleel is appointed as advocate commissioner for conducting local inspection in the above waqf and report the matters as stated in the petition with the help of an expert engineer. The petitioner is directed to pay an amount of Rs.10,000 to the advocate commissioner towards the batta to the advocate commissioner and expert engineer. For report of the advocate commissioner. Posted to 03.06.2025
91.	OP No. 116/2025 Paravur Chilakkal Muslim Jama-ath, Kollam Issue notice to the respondents. Posted to 03.06.2025
92.	OP No. 118/2025 Vazhur Muslim Jama-ath, Kottayam Issue notice to the respondents. Posted to 22.05.2025 IA No. 120/2024 Heard. The Petitioner had made out a prima facie case. The respondents are directed to permit the petitioner to participate in the general body meeting of the Jama-ath which is scheduled to be held on 18.04.2025.
93.	IA No. 116/2025 in OP No. 130/2022 Kumarapuram Muslim Jama-ath, Thiruvananthapuram Issue notice to the respondents. Posted to 03.06.2025
94.	OP No. 13/2025 Possot Muhiyudheen Juma Masjid, Kasargode The above original petition is filed by Abdul Rouf and another against Posott Muhiyudheen Juma Masjid committee represented by its Interim Muthawalli Adv.Sayyid Moyinudheen and others under section 32, and 61 of the Waqf Act 1995 for prosecuting the respondents for irresponsible management of waqf properties, Illegal transfer of waqf funds and other acts against waqf act and regulations, for restraining the respondents from contesting in the upcoming election of the 1 <sup>st</sup> respondent committee, and other ancillary reliefs. The present IA 23/2025 is filed by the petitioner to restrain the respondents 2 to 8 from contesting in the upcoming election of the

1<sup>st</sup> respondent waqf. It is stated that the 1st respondent waqf is registered before the Board as 5635/RA, 19/RA and 4699/RA. The muthawalli of the above waqf is the 1<sup>st</sup> respondent committee and the committee is having a written byelaw. OP 141/2023 was pending before the Board and IA 172/2023 for auditing the account of the waqf. IA 174/2023 was filed for conducting an enquiry regarding the administration and management of the above waqf and an officer of the Board had submitted a detailed report. As per the enquiry report many of waqf properties were not purposefully registered before the Board and the respondents were not maintaining proper accounts regarding the income and expenditure of the waqf. As per the Order in IA.268/2023 in OP.141/2023 one K.Abdurahiman was appointed as the Executive Officer of the above waqf, the respondents No.2 to 8 are not co-operated with the Executive Officer and the documents under their custody were not handed over to the Executive Officer. In the report of the Executive Officer there is a specific allegation regarding the alienation of the waqf properties. It is also stated that as per order in IA No.173/2023 in OP No. 141/2023 the respondents Nos.2 to 8 were removed from the office of Muthawalli and an interim Muthawalli was appointed it was also confirmed by the High Court of Kerala as per the Order in OP(Wakf) 32/2024 dated 16.12.2024. The petitioner submitted that the report submitted by the Interim Muthawalli clearly reveals the alienation of waqf properties, mismanagement and misappropriation of waqf funds. It is further stated that as per the report of the Interim Muthawalli various construction were done by the respondents Nos. 2 to 8 without the approval of the Board and the waqf properties were sold to the 3rd parties, flats/apartment were leased and rent being collected without any receipt and they were not maintaining any bank account for the waqf. Hence the petition is filed to restrain the respondents 2 to 8 from contesting in the upcoming election of the 1<sup>st</sup> respondent waqf.

The respondents have filed counter in the above application denying the allegations and facts stated in the application. It is stated that the before the proceedings of High Court the 1<sup>st</sup> respondent committee has been represented by K.K.Moideen Kunhi, the secretary and M.A.Abdulla Haji, the president which is willfully and incorrectly, shown as AM.Abdulla @ Bavahaji and without legally and properly making them party to the above OP and IA and the same is also for non jointer of necessary party. The second respondent herein was the general secretary of the 1<sup>st</sup> respondent

from 2018 to 2023 and subsequently Moideenkunhi Haji was the secretary of the 1st respondent which is intentionally suppressed by the petitioner herein. The 4<sup>th</sup> respondent shown in the OP and IA was the general secretary of the 1<sup>st</sup> respondent from 2015 to 2018 and 5<sup>th</sup> respondent vice president of the 1st respondent committee from 2018 to 2023 and similarly 6<sup>th</sup> and 7<sup>th</sup> respondents were joint secretary and 8<sup>th</sup> respondent was the treasurer of the 1st respondent committee. The respondents submitted that the allegations against the respondents are false, baseless and without any element of truth, that the construction alleged in the petition are done by the committee of the year 2015 and the present application and OP without impeding the office bearers of 2015 committee will not stand. The Hon'ble High court had already appointed a returning officer to conduct election to the 1<sup>st</sup> respondent due to the fear of losing in the election the petitioner had filed the above OP and IA. It is also stated that the above OP and IA are highly belated as the election was ordered by the Hon'ble High Court by appointing a retired Judge as returning officer and election process had already started long back . Once an election process is started no court of law should interfere in the election which is reported in 2016 AIAR(Civil)246 Supreme Court . The petitioner had not approached the returning officer appointed with their grievances or objections now without raising this objection before the returning officer the petitioners are not entitled to approach before this Board. It is further stated that the report of the officer does not seen any major malpractice as alleged to the extent that these respondents herein are to be restricted from contesting in the election. The alienation mentioned in the report is to the effect that the committee is not registering the waqf properties and thus trying to show an impression that the committee is trying to alienate the waqf properties, which is itself is false as the committee had already approached the authorities to register the waqf properties but failed to register the properties the document etc are in Kannada which had to be translated since the document are in old Kannada and for translating the same time is required and there is no willful latches by the committee. It is further stated that the respondent committee had handed over all documents except the document which are in Kannada and after translation the respondents are willing to hand over the same. So they prayed for the dismissal of the above application.

The Honourable High Court had directed the Board to take a decision in the I.A. within a time frame and in compliance of the same the matter was posted to 03/04/2025 at the sitting of the Board for pronouncing orders. The Board discussed the matter in detail and perused the entire documents and the following order is passed.

The present petition is filed at the fag end of the election process initiated by the Returning Officer appointed by the Board. The election is scheduled to 06/04/2025 and at this point of time the prayer sought for in the petition could not be allowed without completing the enquiry and the audit procedure. The inquiry with regard to the mismanagement and maladministration of the waqf is going on in this OP and a person could be disqualified if it is found by the Board that he is liable to be removed from the post of mutawalli after conducting an inquiry into the administration. In this matter the allegations raised by the petitioners are very grave and the enquiry is going on. If the Board finds in the enquiry that the allegations raised against the respondents are true the Board will take immediate legal actions against the responsible persons even if they contest in the election and are elected. Without completing the evidence/inquiry the Board cannot take any action against the persons against whom allegations are raised. Strict actions will be initiated against responsible persons if mismanagement, maladministration and negligence in management is found out in evidence. The petitioner is free to file petitions for taking actions against the responsible persons after the enquiry is over. I.A is disposed as above.