

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

TUESDAY, THE 6<sup>TH</sup> DAY OF JUNE 2023 / 16TH JYAISHTA, 1945

WP(C) NO. 15502 OF 2023

**PETITIONERS:**

- 1 HAMS V., AGED 55 YEARS, S/O MAMMU,  
VAYAKKARERAKATH HOUSE, MANGADU, KALLIASSERI P.O,  
KANNUR, PIN - 670 562
- 2 EBRAHIM K, AGED 48 YEARS, S/O MUHAMMED K.P., ZIF  
VILLA, MANGADU, KALLIASSERI P.O, KANNUR, PIN -  
670 562
- 3 ABOOBACKER V., AGED 56 YEARS, S/O MAMMU K.P.,  
VAYAKKARERAKATH HOUSE, MANGAD, KALLIASSERI P.O,  
KANNUR, PIN - 670 562
- 4 BASHEER C., AGED 44 YEARS, S/O UMMER, AYISHAS,  
MANGAD, KALLIASSERI P.O, KANNUR, PIN - 670 562

BY ADVS.  
MANAS P HAMEED  
K.MOHANAKANNAN

**RESPONDENTS:**

- 1 KERALA STATE WAQF BOARD, VIP ROAD, KALOOR,  
KOCHI, REPRESENTED BY ITS CHIEF EXECUTIVE  
OFFICER, PIN - 682 017
- 2 THE CHIEF EXECUTIVE OFFICER  
KERALA STATE WAQF BOARD, VIP ROAD, KALOOR,  
KOCHI, PIN - 682 017
- 3 AMJAD MUNEER, THE RETURNING OFFICER, ADVOCATE,  
DISTRICT COURTS, TELlicherry, PIN - 670 101
- 4 ABDUL RAHMAN M, INTERIM MUTHAVALLI OF MANGADU  
JAMA-ATH, KANNUR DISTRICT, S/O USMAN, BADARIYA

WP(C) NO. 15502 and 15658 of 2023

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MANZIL, BOOSWERI GARDEN, KARIMBAM P.O,  
TALIPARAMBA, KANNUR, PIN - 670 142

ADDL.R5 FAROOK K, AGED 48 YEARS, S/O. MOOSAN, KERIKKATH  
HOUSE, MANGAD, KALYASERI POST, KANNUR DISTRICT

ADDL.R5 IS IMPEADED AS PER ORDER DATED  
6.06.2023 IN I.A. NO.1 OF 2023.

ADDL.R6 SHAHUL HAMMED P.P, AGED 63 YEARS, S/O  
KUNNAHAMMED, SHAHANA MANZIL, MANGAD P.O.,  
KALLIYASSERY, KANNUR, KERALA

ADDL.R6 IS IMPEADED AS PER ORDER DATED  
6.06.2023 IN I.A. NO.3 OF 2023.

BY ADVS.  
FIROZ  
P.A.MOHAMMED SHAH  
RENOY VINCENT  
SHAHIR SHOWKATH ALI  
SHILU SEBASTIAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 06.06.2023, ALONG WITH WP(C).15658/2023, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO. 15502 and 15658 of 2023

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

TUESDAY, THE 6<sup>TH</sup> DAY OF JUNE 2023 / 16TH JYAISHTA, 1945

WP(C) NO. 15658 OF 2023

**PETITIONERS:**

- 1 MUHAMMED ROSHAN, AGED 23 YEARS, S/O M. P.  
ISMAYIL, SUBAH, MANKADAVU P.O, AROLI, KANNUR,  
PIN - 670 561
- 2 A. MUHAMMED SHAFEEK, AGED 45 YEARS, S/O SARUMMA,  
AZHIKODANTAKATH HOUSE, KALLIASSERI P.O, KANNUR,  
PIN - 670 562
- 3 YASSAR T.P, AGED 34 YEARS, S/O MUHAMMEDKUNHI,  
THAZHATH PALANGATTU HOUSE, NARATH P.O., KANNUR,  
PIN - 670 601
- 4 SHAMMAS K.P, AGED 28 YEARS, S/O SHADULI,  
KARAKKATTU PUTHIYAPURAYIL, MANGADU, KALLIASSERI  
P.O, KANNUR, PIN - 670 562
- 5 MUHAMMED K.P, AGED 74 YEARS, S/O KAMAL,  
HAJIMOTTA, KALLIASSERI P.O, KANNUR, PIN - 670  
562
- 6 ABDUL KAREEM T, AGED 55 YEARS, S/O ABDURAHMAN,  
THANGAL HOUSE, BIKKIRIYANPARAMBU, KALLIASSERI  
P.O, KANNUR, PIN - 670 562
- 7 M.T.ABDUL MAJEED, AGED 61 YEARS, S/O ABDUL  
KHADER, SUBAIDAS, MANGADU, KALLIASSERI P.O,  
KANNUR, PIN - 670 562
- 8 NAJEEB P., AGED 43 YEARS, S/O MOOSAN K.P,  
PUNNAKKANTAKATH HOUSE, MANGADU, KALLIASSERI P.O,

WP(C) NO. 15502 and 15658 of 2023

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KANNUR, PIN - 670 562

BY ADV MANAS P HAMEED

**RESPONDENTS:**

- 1 KERALA STATE WAQF BOARD, VIP ROAD, KALOOR, KOCHI, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER, PIN - 682 017
- 2 THE CHIEF EXECUTIVE OFFICER, KERALA STATE WAQF BOARD, VIP ROAD, KALOOR, KOCHI, PIN - 682 017
- 3 AMJAD MUNEEER, THE RETURNING OFFICER, ADVOCATE, DISTRICT COURTS, TELlicherry, PIN - 670 101
- 4 ABDUL RAHMAN M, INTERIM MUTHAVALLI OF MANGADU JAMA-ATH, KANNUR DISTRICT, S/O USMAN, BADARIYA MANZIL, BOOSWERI GARDEN, KARIMBAM P.O, TALIPARAMBA, KANNUR, PIN - 670 142

ADDL.R5 FAROOK..K, AGED 48 YEARS, S/O. MOOSAN, KERIKKATH HOUSE, MANGAD, KALYASERI POST, KANNUR DISTRICT

ADDL.R5 IS IMPEADED AS PER ORDER DATED 6.06.2023 IN I.A. NO.1 OF 2023.

BY ADV FIROZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06.06.2023, ALONG WITH WP(C).15502/2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **J U D G M E N T**

[WP(C) Nos.15502/2023 and 15658/2023]

### **A. Muhamed Mustaque, J.**

These matters are related to the election of Mangadu Noorul Hidaya Committee. The election is called in question by the persons claiming to be the members that Mahallu Committee through this writ petition. At the outset, it is doubtful as to the maintainability of the writ petition filed by the members of the Mahallu Committee in regard to the election of the Committee. Be that it may, this Court on 19.05.2023 passed an order in W.P(C)No.15502 of 2023 to keep the disputed votes in separate ballot box and to declare the results. The results have been published and a new Committee appears to have taken charge.

2. It is now stated at the Bar, WAQF Board is keeping the custody of the disputed votes numbering 88 (as polled).

3. The election disputes can be decided only by the competent authority like WAQF Tribunal. The parties are

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relegated to approach the Tribunal. The Tribunal shall consider the challenge to the election as expeditiously as possible. The Tribunal can decide the fate of vote polled by the disputants (88) after hearing both sides.

4. The Tribunal can summon the production of the votes from the WAQF Board and take appropriate decision after hearing both sides.

5. If any suit is filed by the Tribunal, that shall be disposed of as expeditiously as possible, at any rate, within a period of six months.

6. The WAQF Board shall keep the ballot box in the safe custody until it is ordered to be produced before the Tribunal.

Declining to interfere with the matter, we dispose of these writ petitions.

Sd/-

A.MUHAMED MUSTAQUE

JUDGE

Sd/-

SOPHY THOMAS

JUDGE

PR

**APPENDIX OF WP(C) 15502/2023**

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF THE BYE-LAW OF MANGADU NOORUL HIDAYA COMMITTEE ALONG WITH A READABLE COPY
Exhibit P2	A TRUE COPY OF THE JUDGMENT DATED 26.09.2022 PASSED BY THIS HONOURABLE COURT IN O.P.(WAKF) NO. 27 OF 2022
Exhibit P3	A TRUE COPY OF THE NOTICE DATED 27.04.2023 PUBLISHED BY THE 4TH RESPONDENT
Exhibit P4	A TRUE COPY OF A RELEVANT PAGE OF THE ELECTION NOTIFICATION ISSUED BY THE 3RD RESPONDENT
Exhibit P5	A TRUE COPY OF THE DRAFT VOTERS LIST PUBLISHED BY THE 3RD RESPONDENT
Exhibit P6	A TRUE COPY OF THE OBJECTION DATED 04.05.2023 FILED BY THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT
Exhibit P7	A TRUE COPY OF THE OBJECTION DATED 04.05.2023 FILED BY THE 2ND PETITIONER BEFORE THE 3RD RESPONDENT
Exhibit P8	A TRUE COPY OF THE OBJECTION DATED NIL FILED BY THE 3RD PETITIONER BEFORE THE 3RD RESPONDENT
Exhibit P9	A TRUE COPY OF THE OBJECTION FILED BY THE 4TH PETITIONER BEFORE THE 3RD RESPONDENT
Exhibit P10	A TRUE COPY OF THE REPRESENTATION DATED NIL FILED BY THE PETITIONERS

**WP(C) NO. 15502 and 15658 of 2023**

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**BEFORE THE 3RD RESPONDENT**

- |             |  |
|-------------|--|
| Exhibit P11 | A TRUE COPY OF THE FINAL VOTERS LIST<br>PUBLISHED BY THE 3RD RESPONDENT  |
| Exhibit P12 | A TRUE COPY OF THE INTERIM ORDER DATED<br>20.10.2021 PASSED BY THIS HONOURABLE<br>COURT IN W.P. (C).NO.18407 OF 2021 |
| Exhibit P13 | A TRUE COPY OF THE JUDGMENT DATED<br>12.11.2021 PASSED BY THIS HONOURABLE<br>COURT IN W.P. (C).NO.22148 OF 2021      |
| Exhibit P14 | A TRUE COPY OF THE JUDGMENT DATED<br>21.10.2022 PASSED BY THIS HONOURABLE<br>COURT IN W.P. (C).NO.33445 OF 2022      |
| Exhibit P15 | A TRUE COPY OF THE JUDGMENT DATED<br>28.10.2021 PASSED BY THIS HONOURABLE<br>COURT IN W.P. (C).NO.23344 OF 2021      |

**RESPONDENT EXHIBITS**

- |             |   |
|-------------|---|
| Exhibit R1d | True copy of the objection dated<br>05.05.2023 submitted by the<br>petitioners along with the proceedings<br>of the 3rd respondent dated 07.05.2023         |
| Exhibit R1a | True copy of the objection filed by<br>the 1st petitioner before the 3rd<br>respondent and proceedings made by the<br>3rd respondent on 04.05.2023          |
| Exhibit R1c | True copy of the objection filed by<br>the 3rd petitioner before the 3rd<br>respondent dated 05.05.2023 with<br>endorsed by 3rd respondent on<br>07.05.2023 |
| Exhibit R1b | True copy of the objection filed by<br>the 2nd petitioner before the 3rd<br>respondent dated 04.05.2023 and<br>proceedings endorsed by 3rd respondent       |



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dated on 07.05.2023

**APPENDIX OF WP(C) 15658/2023**

PETITIONER EXHIBITS

Exhibit P1	A TRUE COPY OF THE BYE-LAW OF MANGADU NOORUL HIDAYA COMMITTEE ALONG WITH A READABLE COPY
Exhibit P2	A TRUE COPY OF THE RELEVANT PAGES OF THE VOTERS LIST FOR THE ADMINISTRATIVE COMMITTEE ELECTIONS (MANGADU NOORUL HIDAYA COMMITTEE) IN 2019
Exhibit P3	A TRUE COPY OF THE JUDGMENT DATED 26.09.2022 PASSED BY THIS HONOURABLE COURT IN O.P.(WAKF) NO. 27 OF 2022
Exhibit P4	A TRUE COPY OF THE ORDER DATED 01.03.2022 IN I.A.NO.4 OF 2022 IN O.P. (WAKF) NO.27 OF 2022 PASSED BY THIS HONOURABLE COURT
Exhibit P5	A TRUE COPY OF A RELEVANT PAGE OF THE ELECTION NOTIFICATION ISSUED BY THE 3RD RESPONDENT
Exhibit P6	A TRUE COPY OF THE DRAFT VOTERS LIST PUBLISHED BY THE 3RD RESPONDENT
Exhibit P7	A TRUE COPY OF THE FINAL VOTERS LIST PUBLISHED BY THE 3RD RESPONDENT
Exhibit P8	A TRUE COPY OF THE REPRESENTATION DATED 08.05.2023 SUBMITTED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT
Exhibit P9	A TRUE COPY OF THE INTERIM ORDER DATED 20.10.2021 PASSED BY THIS HONOURABLE COURT IN W.P.(C).NO.18407 OF 2021
Exhibit P10	A TRUE COPY OF THE JUDGMENT DATED 12.11.2021 PASSED BY THIS HONOURABLE

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COURT IN W.P.(C).NO.22148 OF 2021

Exhibit P11                      A TRUE COPY OF THE JUDGMENT DATED  
21.10.2022 PASSED BY THIS HONOURABLE  
COURT IN W.P.(C).NO.33445 OF 2022

Exhibit P12                      A TRUE COPY OF THE JUDGMENT DATED  
28.10.2021 PASSED BY THIS HONOURABLE  
COURT IN W.P.(C).NO.23344 OF 2021