

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 2660 of 2007(N)

PETITIONER:

**K.K.ABDUL RAHMAN,
PRESIDENT, ALUVA MUSLIM JUMA ATH OFFICE,
ALUVA.**

BY ADV. SRI.H.BADARUDDIN

RESPONDENTS:

- 1. E.M.NAZEER BABU,
S/O.MUHAMMED, ELANJIKAYAL HOUSE,
ALUVA, (POSTAL ADDRESS:MERCHANT,
OLD MARKET, ALUVA-1).**
- 2. V.A.SEYYID MOHAMMED MASTER,
VALILYAVEETIL,
NEAR SASTHA TMEPLE, ERNAKULAM ROAD,
ALUVA.**
- 3. P.I.ABDUL HAMEED,
S/O.IBRAHIM,
PARILAKATHOOTTU HOUSE, POONKAVANAM TOWERS,
BRIDGE ROAD, ALUVA.**
- 4. K.M.ABU SALIM,
S/O.METHEIN BAVA, ZOORYA LANE, ALUVA-1.**
- 5. T.B.USMAN,
S/O.BAVAKUNJU, THOTTATHIPARAMBIL,
ANZAR LANE, ALUVA.**
- 6. THE SUPERINTENDENT OF POLICE (RURAL),
ALUVA.**

W.P.(C).2660/2007

**7. THE CIRCLE INSPECTOR OF POLICE,
ALUVA.**

**8. KERALA STATE WAKF BORD,
ERNAKULAM REPRESENTED BY ITS SECRETARY.**

**BY ADV. SRI.P.A.ABDUL JABBAR, SC, WAKF BOARD
SRI.DINESH R.SHENOY FOR R1 TO R5
GOVT.PLEADER SRI.P.A.SALIM**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE MAIN PETITION 4/2007 FILED BY THE PETITIONER BEFORE THE KERALA STATE WAKF BOARD DATED 15.1.2007.

EXT.P2: COPY OF THE I.A.NO.6/2007 DATED 15.1.2007.

EXT.P3: COPY OF THE I.A.NO.6/2007 DATED 15.1.2007.

EXT.P4: COPY OF THE POLICE COMPLAINT MADE BY THE PETITIONER DATED 30.11.2006 BEFORE SP(RURAL) ALUVA.

EXT.P5: COPY OF THE POLICE COMPLAINT MADE BY THE PETITIONER DATED 2.12.2006 BEFORE CI, ALUVA.

EXT.P6: COPY OF THE NOTICE DATED 1.1.2007.

EXT.P7: COPY OF the W.O.S.NO.7/2007 DATED 19.1.2007.

EXT.P8: COPY OF THE INTERIM ORDER DATED 20.1.2007.

EXT.P9: COPY OF THE EXTRACT OF THE BYE-LAW.

RESPONDENT'S EXHIBITS:

EXT.R1(A): COPY OF NOTICE DATED 29.10.2006 PUBLISHED BY THE PETITIONER FOR CONVENING A GENERAL BODY UNDER CLAUS V(D)(7).

EXT.R1(B): COPY OF THE MINUTES OF THE GENERAL BODY MEETING DATED 5.11.2006 SIGNED BY THE PETITIONER AND BY THE 5 OTHER MEMBERS ELECTED THE ADMINISTRATIVE COMMITTEE BY THE GENERAL BODY MEETING.

EXT.R1(C): COPY OF THE MINUTES OF THE ADMINISTRATIVE COMMITTEE, DATED 6.11.2006, 8.11.2006 AND 15.11.2006.

EXT.R1(D): COPY OF THE LETTER DATED 19.12.2006 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.R1(E): COPY OF LETTER ISSUED BY ADMINISTRATIVE COMMITTEE TO ABDUL HAMEED DATED 22.12.2006.

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**EXT.R1(F): COPY OF LETTER OF ACCEPTANCE BY SHRI.ABDUL HAMEED
DATED 28.12.2006.**

EXT.R1(G): COPY OF NOTICE DATED 10.1.2007.

**EXT.R1(H): COPY OF NOTIFICATION ISSUED BY THE RETURNING OFFICER,
SHRI.M.ABDUL HAMEED.**

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.2660 OF 2007 (N)

Dated this the 31st day of January, 2007

J U D G M E N T

KOSHY,J.

This is a petition for police protection. According to the petitioner, he is the President and Muthawalli of the Wakf property of Aluva Muslim Juma-ath. According to him, respondents are trying to conduct a general body and election meeting and he is illegally prevented from acting as Muthawalli. Respondents 1 to 5 filed a detailed counter affidavit denying each and every averments made by the petitioner. According to respondents the election notification has already been published. On going through the notification, counter affidavit and reply affidavit, we see that the matter is pending before the Wakf Board and Wakf Tribunal. The dispute is regarding the management of the Wakf property. The allegations made by the petitioner is firmly refuted by respondents and before deciding the disputed issues evidence

has to be adduced and it cannot be decided in a petition under Article 226 of the Constitution of India and the matter is already pending before the statutory authority. However, we are not expressing any opinion regarding the merits of the civil disputes and police is directed to see that law and order is maintained and lives of both parties are not endangered. With the above observations this writ petition is disposed of.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007