IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

SATURDAY, THE 30TH JANUARY 2010 / 10TH MAGHA 1931

WP(C).No. 3112 of 2010(L)

PETITIONER:

ABDULL LATHEEF, CHINNATHOPPIL,
VAZHICHERI WARD, ALAPPUZHA, BAZAR P.O.

BY ADV. SMT.M.P.SUNITHA BEEGUM

RESPONDENTS:
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1. **KERALA STATE WAKF BOARD,**
   ERNAKULAM,VIP ROAD, KALOOR,COCHIN – 17,
   REPRESENTED BY ITS CHIEF EXECUTIVE
   OFFICER.

2. **ALAPPUZHA PADINJARE SHAFI MUSLIM JAMA**
   ATH, NEAR DUTCH SQUARE, BAZAR P.O.,ALAPPUZHA,
   REPRESENTED BY ITS SECRETARY.

R1 BY ADV. MR.M.M.SAIDU MUHAMMED,SC,WAKF BOARD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/01/2010,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

prv.

T.R. RAMACHANDRAN NAIR, J.

W.P.(C) No.3112 OF 2010

Dated this the 30th day of January, 2010.

J U D G M E N T

The main prayer in this writ petition is for a direction to the 1st respondent to pass appropriate orders on Exhibit P4 draft scheme within a time frame to be fixed by this Court.

2. It is the case of the petitioner that the 2nd respondent is a public wakf including a mosque and a Khabar Sthan (burial place) formed before hundreds of years by the predecessors in Alappuzha town. There was a scheme framed by the Additional District Court, Alappuzha in O.S.No.325/1074. A copy of the same has been produced as Exhibit P1.

3. Later on a new scheme was framed on 15.03.1997 by the 1st respondent. It is the case of the petitioner that the scheme was framed without considering and following the basic rules of the scheme framed by the Additional District Court, Alappuzha. In the meeting of the new administrative committee held on 10.12.2000, they prepared a new scheme and submitted

the same before the 1st respondent for getting its approval. At the same time, the petitioner and four other beneficiaries who are the interested persons within the purview of Wakf Act filed an application under Section 69(1) of the Wakf Act 1995 for framing a new scheme for the 2nd respondent without changing the basic principles in Exhibit P1. Exhibit P2 is the said application.

4. It is pointed out that the petitioner had approached this Court earlier in W.P.(C) No.26320/2003, which was disposed of by this Court leaving liberty to the petitioner to challenge Exhibit P5 order passed by the 1st respondent. The appeal filed against Exhibit P5 order was allowed as per Exhibit P7 and the Wakf Tribunal set aside Exhibit P5 order passed by the 1st respondent and directed reconsideration of Exhibit P4 draft scheme. Subsequent proceedings were being taken by the 1st respondent in the matter. It is pointed out that arguments were raised by both the parties and lastly it was posted to 10.02.2009. So far no final decision has been taken. It is in these circumstances, this writ petition has been filed seeking for a direction in the matter.

5. Learned Standing Counsel for the Wakf Board submitted that sufficient time will be required to complete the hearing and to finalise the same.

There will be a direction to the 1st respondent to take appropriate decision with regard to the scheme namely, Exhibit P4 within a period of four months from today.

This writ petition is disposed of as above.

T.R. RAMACHANDRAN NAIR
JUDGE

smp