

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE
&
THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
TUESDAY, THE 23RD DAY OF MAY 2023 / 2ND JYAISHTA, 1945
CRP (WAKF) NO. 20 OF 2023
AGAINST THE ORDER/JUDGMENT IN WOA 56/2022 OF WAKF TRIBUNAL,
KOZHIKODE

REVISION PETITIONERS/PETITIONERS/APPLICANTS:

- 1 VADUTHALA JUMA-ATH EDUCATIONAL TRUST REG. NO.A2/1967
NADUVATH NAGAR P. O., ALAPPUZHA DISTRICT, PIN - 688 559,
REPRESENTED BY SECRETARY SHABEER AHAMMED, AL HAMD, AROOKUTTY
P. O., ALAPPUZHA DISTRICT, PIN - 688535.
- 2 SHABEER AHAMMED
AGED 49 YEARS
(SECRETARY, VADUTHALA JUMA-ATH EDUCATIONAL TRUST REG.
NO.A2/1967), AL HAMD, AROOKUTTY P. O., ALAPPUZHA DISTRICT,
PIN - 688535.
- 3 K. A. PAREETH
AGED 74 YEARS
THE MANAGER, VADUTHALA JUMA-ATH EDUCATIONAL TRUST, S/O. ABDUL
KHADER, KATTUVALLIL HOUSE, NADUVATH NAGAR P. O., ALAPPUZHA
DISTRICT, PIN - 688 526.

BY ADVS.
VAISAKHI V.
BABU KARUKAPADATH
M.A.VAHEEDA BABU
P.U.VINOD KUMAR
ARYA RAGHUNATH
T.M.MUHAMMED MUSTHAQ
KARUKAPADATH WAZIM BABU
AJWIN P LALSON
P.LAKSHMI
AYSHA E.M.

RESPONDENTS/RESPONDENTS/RESPONDENTS:

- 1 KERALA STATE WAQF BOARD
REPRESENTED BY THE CHIEF EXECUTIVE OFFICER, VIP ROAD,

KALOOR, KOCHI, PIN - 682017.

- 2 VADUTHALA KOTTOOR KATTUPURAM PALLY JAMA ATH
NADUVATH NAGAR P. O., REPRESENTED BY ITS PRESIDENT P. A.
SHAMSUDHEEN, AGED 66 YEARS, S/O. ABDUL RAHMAN, PUTHAN VEEDU,
AROOKUTTY P. O., ALAPPUZHA DISTRICT, PIN - 688535.

BY ADVS.

JAMSHEED HAFIZ

Muhammed Kabeer E S

C.SHEEBA(K/273/2012)

DILSHANA FERVIN AZAD(K/729/2021)

THIS CRP (WAKF ACT) HAVING COME UP FOR ADMISSION ON
23.05.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**A.MUHAMED MUSTAQUE &
SOPHY THOMAS, JJ.**

CRP (WAKF) No.20 of 2023

Dated this the 23rd day of May, 2023

ORDER

A.Muhamed Mustaque, J.

This revision was filed challenging an order passed by the Waqf Tribunal, Kozhikode in I.A No.88 of 2023 in W.O.A No.56 of 2022 dated 17.03.2023. The revision petitioners are petitioners before the Tribunal in the above I.A. In that application, they sought stay of operation of the order passed by the Waqf Board dated 13.12.2019. The Waqf Board passed an order to frame a scheme for the administration of Vaduthala Jama-ath Higher Secondary School.

2. The dispute is essentially related to the question whether Vaduthala Kottoor Kattupuram Palli Jama-ath can claim it's a Waqf or not. The case of Vaduthala Jama-ath Educational Trust is that the above school is exclusively run by the Trust and has nothing to do with the Waqf.

3. In I.A No.88 of 2023, stay was not granted by the Waqf Tribunal mainly noting that there is no interference in the matter

of management and administration of the school and the Board has only directed to frame a scheme to run the school by the Jama-ath.

4. **Sri.Babu Karukapadath**, learned counsel appearing for the revision **petitioners**, submitted that the school is being run by the Trust for the last more than 50 years, and if stay is not granted, that will amount to interfering in the administration and management of the school.

5. We heard learned counsel appearing for the party respondent as well as the learned Standing Counsel appearing for the Waqf Board.

The school is an aided school. As of now, there is no adverse order against administration or management of the school by the Trust. The Waqf Board ordered framing of the scheme noting that the school is situated in the Waqf property. The question whether it is a Waqf property or not has to be decided by the Tribunal. We are of the view that the process of framing of the scheme can go on. However, in the event scheme is framed, that shall not be implemented till final decision is taken by the Tribunal. We also direct the Tribunal to dispose

W.O.A No.56 of 2022 itself within a period of six months, after hearing both sides.

This Civil Revision Petition is accordingly disposed of.

Sd/-

**A.MUHAMED MUSTAQUE
JUDGE**

Sd/-

**SOPHY THOMAS
JUDGE**

smp

APPENDIX OF CRP (WAKF) 20/2023

PETITIONER'S ANNEXURES:

- Annexure A1 THE COPY OP NO.70/2011 FILE BY THE 1ST RESPONDENT BEFORE THE KERALA STATE WAQF BOARD
- Annexure A2 A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF THE 1ST PETITIONER AS A SOCIETY
- Annexure A3 A TRUE COPY OF THE BY-LAW OF THE 1ST PETITIONER SOCIETY
- Annexure A4 A TRUE COPY OF THE MANAGEMENT BY-LAW OF VADUTHALA JAMA-ATH HIGHER SECONDARY SCHOOL RUN BY THE 1ST PETITIONER AND APPROVED BY THE EDUCATIONAL AUTHORITY'S WAY BACK IN 1971
- Annexure A5 A TRUE COPY OF THE LETTER DATED 14/03/2022 ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER
- Annexure A6 A TRUE COPY OF THE RECEIPT DATED 28/03/2017 ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER
- Annexure A7 A TRUE COPY OF THE RECEIPT DATED 31/03/2022 ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER
- Annexure A8 A TRUE COPY OF THE NOTICE DATED 22/03/2023 ISSUED BY THE 2ND RESPONDENT WAQF BOARD

True Copy

P.S to Judge

smp