
(2023) 02 KL CK 0096

In the High Court Of Kerala

Case No : Writ Petition (C) No. 36594 Of 2022

Pallangod Muhyudheen Juma-Ath Palli

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 10-02-2023

Acts Referred:

Citation : (2023) 02 KL CK 0096

Hon'ble Judges : N. Nagaresh, J

Bench : Single Bench

Advocate : Ann Susan George, P.V.Anoop, Phijo Pradeesh Philip, Anju R S., Navjyoth S., Radhika V.R., Antony Thomas, E.C. Bineesh

Final Decision : Disposed Of

Judgement

N. Nagaresh, J

1. The petitioner approached this Court filing this writ petition seeking to direct respondents 2 to 4 to afford adequate and meaningful police protection to the life and properties of the petitioner, from the party respondents and their henchmen, for smooth and proper conduct of the honouring function to the new "Kazi" of the Juma-ath, Professor Alikutti Usthad, as fixed by the Juma-ath Working Committee on 19.11.2022 at 04.00 p.m. The petitioner has also sought to command respondents 2 to 4 to afford police protection to the life and properties of the petitioner, from the party respondents and their henchmen.

2. The petitioner would submit that respondents 5 to 11, who are members of the Juma-ath, are obstructing the conduct of the meeting of the Juma-ath, which proposes to honour a "Kazi" on 19.11.2022. Though the petitioner approached the 4th respondent-Station House Officer seeking protection from the obstructions that may be made by respondents 5 to 11, the 4th respondent has refused to grant protection. It is in such circumstances that the petitioner is before this Court.

3. Counsel for respondents 5 to 11 submitted that the tenure of the present

Managing Committee has already expired and the present Committee has no right to appoint a new "Kazi". Under the guise of police protection, an incompetent Committee is going to make appointment of "Kazi". Counsel for respondents 5 to 11 further submitted that the continuance of the present Managing Committee is illegal and certain alleged misappropriations made by the Committee are pending consideration before the Waqf Board.

4. The counsel for the petitioner would vehemently deny the allegations made by the counsel for respondents 5 to 11. An Auditor has already been appointed as per Ext.P11, to look into the accounts, contended the counsel for the petitioner.

5. Counsel for respondents 5 to 11 would submit that a new election has to be conducted to the Managing Committee and only a new Managing Committee can administer the Juma-ath activities.

6. When this writ petition came up for hearing today, the counsel for the petitioner submitted that an extension was given to the present Committee by the General Body of the Juma-ath as per Ext.P7 and therefore, tenure of the present Committee is upto 19.02.2023. The petitioner will be holding General Body Election of the Juma-ath before that date. Respondents 5 to 11 can also participate in the General Body Meeting for the election, provided they do not create any law and order problems.

7. Since the General Body Meeting, which was scheduled to be held on 19.11.2022, is already over and since the petitioner is proposing to hold a General Body Meeting for election of a new Managing Committee and since the petitioner has stated that respondents 5 to 11 can also participate in the General Body Election, the writ petition is disposed of with the following directions:-

(1) The petitioner shall conduct the General Body Election before the expiry of the present tenure of the Committee, as proposed.

(2) The petitioner shall permit respondents 5 to 11 to participate in the General Body Meeting.

(3) Respondents 3 and 4 shall give adequate protection for the conduct of the General Body Meeting, if a request is made by the petitioner-Committee in that regard.

(4) Respondents 5 to 11 undertake that they will not create any law and order problems in the General Body Meeting.

This judgment is solely for the purpose of conducting the General Body Election of the Managing Committee and all other claims, disputes and rights between the parties shall be resolved in accordance with the due process of law.