

Munambam land: Kerala HC raps Waqf board, slams it for 'land-grabbing bid'

Court upholds govt's order appointing a inquiry commission to ascertain ownership of disputed area

KOCHI: The Kerala High Court on Friday said that notifying the Munambam land as waqf was a 'land grabbing tactic of the Kerala Waqf Board' and upheld the government order appointing a inquiry commission to ascertain ownership of the disputed area.

A bench of justices Sushrut Arvind Dharmadhikari and Syam Kumar V M also said that the subject property could never have been classified as a waqf property for want of compliance with mandatory procedure and provisions of the Waqf Act of 1954 and 1955. It said that the notifying of the land in dispute as waqf was ultra vires the provisions of the Waqf Act of 1954 and 1995 and "nothing less than a land grabbing tactics of the Kerala Waqf Board (KWB)".

The bench observed that the move has 'affected the bread and butter, livelihood of hundreds of families and bonafide occupants who had purchased tranches of land decades prior to the notification of the waqf property'.

In these circumstances, the state government could not have been restrained from constituting an inquiry commission (IC) and submitting a report, the bench said while



Agitators at Kadappuram Velankanni Matha church premises celebrate Kerala HC verdict declaring Munambam land as not Waqf property by sharing laddus | EXPRESS

allowing the appeals against a March 17 single judge order that quashed the appointment of the panel. Upholding the appointment of the IC, the bench said that the state government was at liberty to implement the panel's recommendations in accordance with law.

The bench also held that the actions of the Kerala Waqf Board of declaring or registering the land in dispute as a waqf property were "bad in law" on the grounds of being "unreasonably delayed" and having been issued in "palpable violation of the provisions of the Waqf Acts of 1954, 1984, and 1995 and, therefore, "non-enforceable".

The court said that merely be-

cause the nomenclature of the subject land deed of 1950 was a waqf endowment, will not clothe it with the said character in view of the "absolute vesting of rights of transfer or sale and ownership in the hands of Farooq College Management Committee".

The land in Munambam village of Ernakulam district, whose ownership is being claimed by the waqf, was sold to the current residents by the Farooq Management.

The bench said that the endowment deed of 1950 never intended to create any permanent dedication in the favour of God. It was simply a gift deed in favour of the Farooq Management and therefore, "could

never have qualified as a waqf deed under any of the enactments of the Waqf Act, the court said.

"However, we restrain ourselves from issuing a formal order of quashing them (KWB orders), since the purpose of returning all the above findings is just to hold that the state government is not bound by such highly belatedly issued declaration by the KWB after 7 decades (69 years)," the court said. The bench said that it would not be appropriate to interfere with the constitution of the IC at the threshold, when it was yet to furnish a final report which is to be acted upon and taken to a logical conclusion by the state government. "We expect and hope that the sole member Inquiry Commission (IC) shall respect the expectations placed upon it by us in the preceding paragraphs and provide a room for consideration of grievances of all the aggrieved parties," it said and set aside the single judge's March 17 order.

The state government had appointed a commission headed by former acting Chief Justice of the Kerala HC Justice C N Ramachandran Nair in November last year to ascertain land ownership in the disputed area. PTI

Animal sacrifice practised for very long time: Dargah admin

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HOWEVER, as far as the matter of conducting prayers at Nellithoppu is concerned, the judge concurred with the decision of Justice Banu and said prayers and gatherings could be permitted during Bakrid and Ramzan based on the agreements made during a peace committee meeting held in 2023. Though the Mohammedans have been granted declaration of title for the 33 cents in Nellithoppu area, the pathway belongs to the Subramaniya Swamy temple and the Muslims have only right of usage over it, he pointed out, adding that the same should not be disturbed during the gatherings.

The Dargah administration claimed that the practice of animal sacrifice is from time immemorial. But the petitioners and the temple administration argued that there was no such practice in the past. "When one side asserts that there is a practice from time immemorial and the other side denies the same, the party who asserts such a customary practice has to approach the competent civil court to establish the same," Justice Vijayakumar said. The judge also referred to Rule 8 of Ancient Monuments and Archaeological Sites and Remains Rules, 1959. Citing the presence of two protected monuments- Pancha Pandava beds and Rock-cut cave inscriptions on the hillock, the judge said the Dargah administration cannot be permitted to perform any animal sacrifice without ASI permission.



Ponnai river is witnessing an additional inflow of water after heavy rains | S DINESH

Ponnai river sees rise in water levels after heavy rains in Vellore

EXPRESS NEWS SERVICE
@Vellore/Ranipet/Tiruvannamalai

AS water levels rise in Ponnai river, which flows through Ranipet and Vellore, both district administrations have advised people living in villages close to the river to avoid going to its banks. The villages include Mathandakuppam, Ponnai, Keerasathu, Vepalai, Kukaiyanallur, Tiruvalam, Vasoor, Kondakuppam, Ekambaranallur, Nelliikkuppam, Mottur, Ilalapettai, and Mukundarayapuram. The district administration also advised locals not to bathe, wash clothes, or let their children and livestock enter the river.

In the Ponnai dam reservoir, the water level has risen by 6,480 cubic feet as of 4 am on Friday and is expected to rise further if the heavy rains continue. 2,000 cusecs of water is being released from the Sathanur dam in Tiruvannamalai after reached its maximum capac-

ity. It is expected to go up to 4,000 cusecs due to the release of 4,000 cusecs of water from Krishnagiri dam. Therefore officials have asked people living close to the Thenpennai river not to enter or cross the river.

Heavy rains lashed across Vellore, Ranipet, and Tiruvannamalai for several hours after late evening on Thursday, flooding various parts of the districts. According to official data, Ranipet received a rainfall of 69.01 mm, followed by Vellore with 55mm, and Tiruvannamalai with 52.30mm. In Ranipet, the rain gauge stations at Palar Anaicut and Arcot recorded very heavy rainfall of 123 mm and 116.3 mm, respectively. Vellore witnessed heavy rainfall at Rajathopu Dam, Ponnai, Pernampat, and at the Collector Office area. In Tiruvannamalai, Chengam, Thandarampattu, and Arni recorded heavy rainfall of 109.2 mm, 95.2 mm, and 92 mm, respectively.

that arise from disasters, emphasising timely medical intervention and community support to aid recovery.

Awareness campaigns, faculty training, and cultural events were conducted. ENS

Salem hosp observes World Mental Health Day

SALEM: Government Mohan Kumar Maramangalam Medical College Hospital, Salem, observed World Mental Health Day on Friday, with various programmes highlighting mental healthcare during disasters and emergencies.

The theme focused on "Access to Services - Mental Health in Catastrophes and Emergencies," underscoring the need for psychological support for millions. Medical experts explained challenges like trauma, anxiety, and depression

'New four-lane ECR will benefit motorists'

Continued from page 1: G Aravind Kumar, Secretary of the Nagai District Consumers Protection and Passengers' Association, said, "The widening of the ECR from Chennai to Nagapattinam will greatly benefit people who have long been deprived of proper road connectivity. As part of the Puducherry-Nagapattinam section upgrade, the NHAI has also widened the Puducherry-Villupuram NH, improving links to the Tambaram-Tiruchi route. These works have significantly enhanced road and bus transport to the delta region," he added. The Sattanathapuram-Nagapattinam four-lane (56 km) highway project begins at Sattanathapuram near Sirkazhi and ends near the Nagore and Nagapattinam bypass (western side). Passing through Nagapattinam and Karaikal districts of TN and the UT of Puducherry, the project is being executed at a cost of ₹2,899 crore. Of the total 56 km, work on 50 km has been completed so far. The final phase includes the construction of road overbridges along the Tharangampadi-Mayiladuthurai railway line and the Karaikal-Peralam section near Thirunallar railway station. ENS

Will file detailed affidavit on Karur postmortem, says TN

RESPONDING to the petitioner's claim, senior counsel P Wilson, appearing for Tamil Nadu, said that this is the first time such allegations have been made with respect to the postmortem and the state will file a detailed affidavit in this regard.

"Our CM flew to Karur and people started pleading for bodies and therefore, the collector gave permission. Doctors were called to perform postmortem from nearby districts," he said. "Our health secretary had clarified that 220 doctors, 165 nurses and doctors who

participated in a conference were mobilised." On this, Justice Mageshwari asked if they were forensic experts.

The court also questioned the TN government over the permission granted to actor-politician Vijay's for holding a roadshow in Karur on September 27 when permission for AIADMK for a similar event was denied on the ground that the state was still in the process of finalising the Standard Operating Procedure (SOP) for political meetings.

The TVK's petition also challenged the observations made by

the Madras High Court in a suo motu hearing, including that the TVK leadership led by its chief Vijay fled the scene of the tragedy. The petition also objected to the HC's observations that "there was no statement or expression of responsibility" from the TVK leadership.

"Our leaders were not given an opportunity to cater to the victims and their families," TVK's counsel said.

One petitioner, represented by senior advocate V Raghavachari, alleged that the state police had denied permission to AIADMK for the road rally in Karur, saying that

it was a narrow space and any mishap could occur. He questioned how then TVK was granted permission for a similar event at the same spot? If it's going to be crowded for AI-ADMK, it should have been crowded for TVK. "My humble submission is that the entire fault lies with the state police," the counsel said.

Raghavachari also alleged that the stampede was not spontaneous. He claimed that some DMK members were talking from 3pm that day that a tragedy was going to happen. According to him, the police allowed a miscreant to throw a shoe into the crowd, which created a commotion.

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