

WEDNESDAY, THE 15TH DAY OF JULY 2026

WP(PIL) No. 117 of 2026

SHONE GEORGE

VS

STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:

SHRI.SHINTO MATHEW ABRAHAM, SRI.ANIL SEBASTIAN PULICKEL,
SHRI.MATHEW NEVIN THOMAS, SHRI.KURIAN ANTONY MATHEW,
SHRI.KARTHIK RAJAGOPAL, SMT.LEAH RACHEL NINAN, SHRI.NOEL
NINAN NINAN, SMT.APARNNA S., SHRI.ADEEN NAZAR, SHRI.ARUN
JOSEPH MATHEW, SHRI.ROHAN MATHEW, SHRI.SANTHOSH MATHEW
(SR.), SMT.VEENA RAVEENDRAN, SMT.KARTHIKA MARIA

ADVS FOR RESPONDENT/S:

GOVERNMENT PLEADER, SHRI.P.M.SANEER, SPL.G.P. TO ADDL.A.G.,
SHRI.K.JAJU BABU, ADVOCATE GENERAL

W.P.(PIL) Nos.117, 133,
135 & 139 of 2026

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WEDNESDAY, THE 15TH DAY OF JULY 2026

WP(PIL) No. 133 of 2026

SAJID HUSSAIN KHATAI

VS

STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:

SHRI.ADIL.M.H

ADVS FOR RESPONDENT/S:

GOVERNMENT PLEADER, SHRI.K.JAJU BABU, ADVOCATE GENERAL

W.P.(PIL) Nos.117, 133,
135 & 139 of 2026

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WEDNESDAY, THE 15TH DAY OF JULY 2026

WP(PIL) No. 135 of 2026

ASSEMBLY OF CHRISTIAN TRUST SERVICES (ACTS) REGISTRATION

NO.215/IV/2022

VS

UNION OF INDIA & OTHERS

ADVS FOR PETITIONER/S:

SHRI.JOSEPH JOY, SRI.S.SANAL KUMAR (SR.), SHRI.K.B.RAHIM

ADVS FOR RESPONDENT/S:

SHRI.HARIKRISHNAN P.B., CGC, GOVERNMENT PLEADER,

SRI.JAMSHEED HAFIZ, SHRI.K.JAJU BABU, ADVOCATE GENERAL,

SRI.T.KRISHNANUNNI (SR.)

W.P.(PIL) Nos.117, 133,
135 & 139 of 2026

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WEDNESDAY, THE 15TH DAY OF JULY 2026

WP(PIL) No. 139 of 2026

STALIN V.M. ALIAS STALIN DEVAN

VS

STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:

SMT.LAKSHMI SREEDHAR, SHRI.P.B.KRISHNAN (SR.)

ADVS FOR RESPONDENT/S:

GOVERNMENT PLEADER, SHRI.K.JAJU BABU, ADVOCATE GENERAL

**SOUMEN SEN, C.J. &
SYAM KUMAR V.M., J.**

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**W.P.(PIL) Nos.117, 133,
135 & 139 of 2026**

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Dated this the 15th day of July 2026

Appearance:

For the Petitioner	: Mr. Shinto Mathew Abraham in W.P.(PIL) No. 117 of 2026 : Mr. Adil M.H. in W.P.(PIL) No. 133 of 2026 : Mr. Joseph Joy instructed by Sr. Adg. Sanal Kumar in W.P.(PIL) No. 135 of 2026 : Ms. Lakshmi Sreedhar in W.P.(PIL) No. 139 of 2026
For the Respondent	: Mr. K. Jaju Babu, learned AG assisted by Mr. Muhammed Aneef, GP : Mr. Jamsheed Hafiz, instructed by Sr. Adv. T. Krishnan Unni, SC for Waqf Board : Mr. P. Sreekumar, ASGI

ORDER

SOUMEN SEN, C.J.

The statement filed by the 2nd respondent in W.P.(PIL)
No. 135/2026 is taken on record. In the affidavit affirmed on

14th July, 2026, the 2nd respondent has submitted that there is a requirement to reconstitute the Board in strict compliance with the mandate of Section 14 of the United Waqf Management, Empowerment, Efficiency and Development Act, 1995 (the Act of 1995).

2. The learned counsel for the writ petitioners, while challenging the notifications dated 4th February, 2026 and 13th March, 2026 has, *inter alia*, argued that two non-Muslim members have not been included in the Waqf Board. It has further been contended that the Secretary appointed by the Government is not the Joint Secretary to the State Government dealing with Waqf matters, who is to be an ex-officio member of the said Board.

3. The learned Standing Counsel for the Waqf Board has submitted that he has not yet received the statement filed on behalf of the 2nd respondent and has, therefore, prayed that the matter be adjourned to enable him to consider the said statement. It is further submitted that non-Muslim members

could not have been appointed in view of the pendency of the matters before the Hon'ble Supreme Court.

4. The learned Additional Solicitor General for India, appearing on behalf of the Union of India, has submitted that the reason advanced by the Waqf Board is completely untenable, as it has not been constituted in accordance with Section 14 of the Waqf Act, 2025. The learned Additional Solicitor General for India has further submitted that, unless there is an interdiction by any court of law restraining the appointment of non-Muslims as members of the Waqf Board, the mandate of Section 14 of the Act of 1995 is required to be followed.

5. The Hon'ble Supreme Court, in Writ Petition (Civil) No. 276 of 2025, which was heard along with a batch of matters, does not seem to have interdicted Section 14 of the Waqf Act in its judgment dated 15th September, 2025. Having regard to the fact that non-Muslim members and one from Shia community have not been included in the Waqf Board,

the constitution of the Board, *prima facie*, appears to be not in conformity with Section 14 of the Act of 1995.

6. Under the circumstances, the present Board shall not take any policy decision or incur any capital expenditure without the express leave of this Court. The State must ensure that the representative of the Government is appointed in accordance with the provisions of the Act of 1995. The Board shall, for the time being, function under the supervision of the Joint Secretary to the State Government dealing with Waqf matters.

7. Issue notice to the non-appearing respondents by speed post with acknowledgment due.

8. Post on 22.07.2026. Parties are directed to file their respective law notes in the meantime.

I.A. No. 1 of 2026 in W.P.(PIL) No. 117 of 2026

This is an application for correction of prayer No. 1 of the writ petition. In view of the inadvertent error, we permit

this application by granting leave to correct prayer No. 1 of the writ petition. Registry is directed to amend the prayer portion in terms of this order.

Sd/-

**SOUMEN SEN,
CHIEF JUSTICE**

Sd/-

**SYAM KUMAR V.M.,
JUDGE**

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