

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026
(@ SLP(C) No.38532/2025)

MANGAD NOORUL HIDAYA COMMITTEE

APPELLANT(S)

VERSUS

HAMSA V & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. The present appeal is filed assailing the judgment passed by the High Court in CRP (Waqf) No.23 of 2025, wherein, the order of Tribunal was set aside and the original suit was restored.
3. The suit W.O.S. No.65/2023 was instituted by the respondents-plaintiffs to declare the disputed 88 votes kept with Waqf Board as invalid, and to direct the Waqf Board to elect the new Committee based upon remaining 402 votes. A further prayer was made to remove 122 members from general body and restraining external members from becoming general body members. The Waqf Tribunal, vide order dated 22.04.2025,

returned the plaint on the premise that the Tribunal lacked jurisdiction to decide the issue relating to the internal management of the society. The High Court, vide impugned order dated 06.08.2025, set aside the order of the Tribunal and restored the suit to its original number and directed the Tribunal to decide the same, in accordance with law.

4. We have heard the learned Senior counsel appearing for the appellant and the learned counsel appearing for the respondents.
5. The short issue for consideration in this appeal is as to whether an election dispute would become amenable to be adjudicated by the Tribunal constituted under the Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995 (for short, the 1995 Act).
6. Placing reliance upon Section 6, 7 and 83 of the Act, the learned Senior counsel appearing for the appellant would contend that any elections scheduled to be conducted would not come within the purview of the 1995 Act.
7. Learned Senior counsel further submits that the issue raised by the respondents is on the eligibility of the voters, totalling to 88. Such an issue can only be adjudicated by the Civil Court having territorial jurisdiction, whose powers are plenary in nature.
8. Learned counsel appearing for the respondents placed reliance

on Section 94 read with Section 32(3) of the 1995 Act, in order to support the impugned judgment passed by the High Court.

9. Section 6 of the 1995 Act clearly defines "dispute regarding a waqf". Such a dispute is with respect to the property belonging to the waqf or the nature of the waqf, either it is *Shia* or *Sunni Waqf*. Section 7, *inter alia* deals with the power of the Tribunal to determine disputes regarding a waqf. Under Section 83, the State Government shall, by notification, constitute the Tribunal for deciding any dispute, question or other matters related to a waqf or waqf property, including eviction of a tenant or determination of rights and obligations of the lessor and lessee of such property.
10. Section 32 of the 1995 Act deals with the powers and functions of the Waqf Board. Such a power has to be exercised in conjunction with Section 6 and 7 of the 1995 Act. Sub-Section (3) concerns itself with any scheme of management under Clause (d), or any direction under clause (e) of Sub-Section (2). Section 94 navigates a situation where there exists a failure of *mutawalli* to discharge his duties.
11. In the case at hand, an interim *mutawalli* has been appointed only for the purpose of conducting the election of the Society. Therefore, neither Section 32 nor Section 94 of the Act would be applicable, so as to give jurisdiction to the

Tribunal constituted under the Act.

12. Though the learned counsel appearing for the respondents submits that such an application has been filed, pursuant to the direction of the High Court in W.P.(C) No. 15502 of 2023, inasmuch as there is an inherent lack of jurisdiction, the said act itself will not facilitate the Waqf Tribunal to decide the *lis*.
13. Furthermore, the High Court in the impugned judgment dated 06.08.2025, has not considered the relevant provisions governing the matter, and we find that the order is rather cryptic, without taking note of the issue of jurisdiction raised.
14. Taking note of the above, we are inclined to set aside the impugned judgment only on the ground of lack of jurisdiction. Consequently, the order of the Waqf Tribunal in W.O.S. No. 65/2023, returning the plaint under Order VII Rule 10 of the Code of Civil Procedure, 1908, stands confirmed. However, we make it clear that is well open to the respondents to file a civil suit in which case they can also press Section 14 of the Limitation Act, 1963. Such a suit will have to be filed within a period of one month from the date of receipt of a copy of this order. We further make it clear that as and when such a suit is filed as aforestated, we expect the same to be decided only on merits, and certainly not on the question of delay.

15. The appeal stands allowed, accordingly.

16. Pending application(s), if any, shall stand disposed of.

.....J .
[M.M. SUNDRESH]

.....J .
[PRASANNA B. VARALE]

NEW DELHI;
7th OCTOBER, 2026

ITEM NO.18

COURT NO.4

SECTION XI-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 38532/2025

[Arising out of impugned final judgment and order dated 06-08-2025 in CRP(WAKF) No. 23/2025 passed by the High Court of Kerala at Ernakulam]

MANGAD NOORUL HIDAYA COMMITTEE

Petitioner(s)

VERSUS

HAMSA V & ORS.

Respondent(s)

Date : 07-10-2026 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. Shaji P Chaly, Sr. Adv.
Mr. Abid Ali Beeran P, AOR
Mr. Saswat Adhyapak, Adv.
Ms. Namita Kumari, Adv.
Ms. Udit Joshi, Adv.
Ms. Akshita Agarwal, Adv.

For Respondent(s) Mr. Manas P Hameed, Adv.
Ms. Ipsita Ojal, Adv.
Mr. Anil Kumar K P, Adv.
Ms. Mariyamma A. K.- 4211, AOR
Mr. Anas V, Adv.
For M/s Manas & Ipsita, Adv.

Mr. Subhash Chandran K.R, AOR
Mr. Anirudh K P, Adv.
Mr. Bineesh K, Adv.
Mr. Fidal Tom, Adv.
For M/s Krs Associates, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)

ASTT. REGISTRAR-cum-PS

(POONAM VAID)

ASSISTANT REGISTRAR

(Signed order is placed on the file)