



ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಕ್ಫ್ ಮಂಡಳಿ



KSBA/MSC/KAR/21/2018

Date: 09.03.2018

CIRCULAR

Sub: Statutory provisions of Board to institute and defend suits and proceedings relating to Wakfs Reg.,

That the Waqf Act, 1995 (As amended Act of 2013) provides establishment of Board, to exercise its power for the general superintendence of all the Auqaf, in the state and to ensure that the Auqaf under its superintendence are properly maintained, controlled and administered.

One of the prime and foremost important power and function of the Board is to institute and defend suits and proceedings relating to the Auqaf.

However it is been observed that, some Muthawallies as defined under the Act, frequently approaching the courts of law, seeking relief in the form of injunction, declaration and so on, which has resulted in miscarriage of justice to the Auqaf, and its properties. The Muthawalli is conferred with the duty that of a caretaker, is neither empowered nor entitled under the Act to institute any suit or legal proceedings, which would have larger implication on the interest of the Waqf and its properties.

That section 32 (2) (i) of the Waqf Act 1995 provides that, it is well within the powers and functions of the Board to institute and defend suits and proceedings relating to the Auqaf.

In view of the above provision found under the Act all the Muthavallies, office bearers of Managing Committees and Administrator of Waqf Institution are hereby directed to desist from approaching the court of law without express permission of the Board, hereinafter.

All the Muthawallies, office bearers of the Managing Committees and Administrators of various Waqf Institutions are directed to adhere to the

above provision of Section 32 (2) (i) of the Waqf Act 1995 scrupulously. **Failing which action would be initiated against them under the relevant provisions of Act.**


Administrator
Karnataka State Board of Auqaf.
Bengaluru.

To:

1. All the District Waqf Officers of the state with direction to bring it to the notice of all Muthavallies, office bearers of Managing Committees and Administrator of various Waqf Institutions, in their respective districts.
2. All the Legal Assistants of Karnataka State Board of Auqaf, Head Office, Districts to bring the violation of this direction to Karnataka State Board of Auqaf and take remedial measures.
3. Chief Law Officer for information and required supervision.