



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 6165 OF 2026 (GM-WAKF)

BETWEEN:

MR. MOHAMMED ZABIULLA
SON OF ABDUL GANI SAB
AGED ABOUT 54 YEARS
RESIDING AT NO.550/32B,
NOORANI MASJID ROAD,
BESIDE DR. PAI CLINIC IMAM NAGAR
DAVANGERE - 577 000
SECRETARY
TANZEEMUIMUSLIMEEN
FUND ASSOCIATION (R)
NOORANISHADI MAHAL,
J. IMAM NAGAR, DAVANGERE-577000

...PETITIONER

(BY SRI.SAMPATH PRAKASH, ADVOCATE FOR
SRI.ZUBAIR AHMED KHAN A S., ADVOCATE)

AND:

1. THE KARNATAKA STATE BOARD OF AUQAF
DARUL, AWKAF, NO. 6,
CUNNINGHAM ROAD,
BENGALURU - 560 052
REPRESENTED BY ITS CHIEF





EXECUTIVE OFFICER

2. THE DISTRICT WAQF OFFICER
DISTRICT WAQF OFFICE,
B-40, MUSLIM HOSTEL COMPLEX,
CHETAN HOTEL ROAD,
P.J. LAYOUT, DAVANGERE -577022

...RESPONDENTS

(BY SRI.P.USMAN, ADVOCATE FOR R1)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 16.02.2026 BEARING NO. KBW/CMC/06/DVG/98-99 ISSUED BY THE KARNATAKA STATE BOARD OF AUQAF APPOINTING THE RESPONDENT NO. 2 AS CARETAKER TO THE WAQF INSTITUTION VIZ., TANZIMUL FUNDS ASSOCIATION, DAVANGERE AT ANNEXURE-A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

This Court has disposed of the writ petition in W.P.No.2192/2026 on 10.02.2026 in the light of the following submissions.



"When queried, the learned counsel submits that the elections could be held either by the second respondent or by the Care taker, but to ensure free and fair elections, this Court could direct the second respondent [the District Waqf Officer] to take decision in this regard and complete the elections within three months. These submissions are taken on record for due compliance."

The petitioner has presented this petition just as the ink on this Court's order dries, and he is aggrieved by the Waqf Board's order dated 16.02.2026. The Board has appointed the Waqf Officer, District Waqf Advisory Committee, Davanagere as a "Caretaker" invoking the provisions of the Unified Waqf Management, Empowerment, Efficiency and Development Act, 1995 and the provisions of the Karnataka Waqf Rules, 2017.

2. This order, insofar as the purpose for which the Waqf Officer is appointed, reads as under.



[a] to take care of the Waqf and it's allied properties in J. Imam Nagar, Davanagere, and

[b] to install regular Managing Committee as per approved Scheme of Administration Bye-laws at the earliest.

3. Mr. Samarth Prakash, the learned counsel for the petitioner, submits that the petitioner's grievance is confined to the Board's order permitting the Waqf Officer to act as the *Caretaker* of the Committee and its allied properties, and the learned counsel in elaboration submits that though the Managing Committee's term had expired, it had the benefit of an order of extension and that is now sought to be undermined appointing the Waqf Officer to attend to the affairs of the Waqf and its properties. Mr. P. Usman, the learned counsel for the first respondent, submits that the true import of the impugned order is to facilitate early elections as stated before this Court, and insofar as the power of



the Waqf Officer to manage the Waqf and its allied properties, the learned counsel submits that it is because the Managing Committee's term had expired in the month of August 2025.

4. There could be elaborate submissions on either side on what was the status as of this Court's order dated 10.02.2026 in W.P.No.2192/2026, but be that as it may, the Managing Committee must be duly elected and permitted to conduct the affairs of the Waqf. There is no dispute in this regard. The only dispute is about who should manage the affairs of the Waqf and its properties until then. This Court opines that the Waqf Officer will have to take every decision related to the elections and there cannot be any impediment in this regard.

5. Further, this Court opines, to ensure that there is also a reasonable arrangement for the conduct of the elections, that the Managing Committee must attend to the day-to-day affairs of



the Waqf but without taking any decision on including or expelling any member of the Waqf or any decision that will have financial implications. As such, the Managing Committee, until the elections are held must only take decision for the day-to-day management and the decision necessary to ensure that the Waqf Officer has all the financial assistance. In the light of the afore, the following.

ORDER

[a] The petition stands disposed of calling upon the Waqf Officer to ensure that the elections are held freely and fairly as stated before this Court in the petition in W.P.No.2192/2026 and that the Managing Committee is installed before the expiry of 90 days from 10.02.2026.



[b] The Managing Committee, whose term has expired in the month of August 2025, is permitted to continue the overseeing day today affairs of the Waqf and the properties subject to the following conditions.

[i] *The Committee shall not take any decision for inclusion or exclusion of any member.*

[ii] *It shall not take any decision which has financial repercussion unless it has to meet the day today expenses.*

[c] It is needless to state that the Waqf Officer must have a free hand to ensure that freer and fairer elections are held.

Sd/-
(B M SHYAM PRASAD)
JUDGE

RB