

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST REPUBLIC
OF SRI LANKA**

*In the matter of an Appeal under and in terms of
Section 55A of the Muslim Mosque and Charitable
Trusts or Wakfs Act No 51 of 1956 as amended
read with section 755 of the Civil Procedure Code.*

CA Case No: CA WKF 01/2023

Wakf Tribunal Case No: WT/281/22

Wakf Board Case No: WB/8718/21

- 1. A. Safeer**
- 2. I. Abdullah**
- 3. S.A. Kassim Mohammed**
- 4. M.H.A. Wahab**
- 5. S.M.M. Musthafa**
- 6. L. Sulaima Lebbe**
- 7. M.I. Mujibur Rahuman**

Trustees of Valiyappa Thailkka Mosque,
Thaikka Nagar,
Eravur.

APPELLANTS

Against

- 1. A.G.M. Siyath**
No 5/1, Thaikka Road,
Eravur 01.
- 2. M.F.M. Fouz**
No 170, Thaikka Road,
Eravur 01.
- 3. H.M. Kacci Mohammed**
No 307/A, Ladies Market Road,
Eravur 01B.
- 4. M.H.M. Shafnath**
Thaikka Road,
Eravur 01.

RESPONDENTS

Before: **M. T. MOHAMMED LAFFAR, J. (President C/A)- Actg.**
K. P. FERNANDO, J.

Counsel: M.D.N. Dilham for the Petitioners.
Nasreen Naushadh for the Respondents

Argued on: 02. 04. 2025 (by way of written submissions)

Decided on: 02. 06. 2025

MOHAMMED LAFFAR, J. (President of The Court of Appeal- Actg).

This is an appeal preferred by the Petitioner-Respondent-Appellant (hereinafter referred to as the Appellant) from the order of the Wakf Tribunal dated 29.04.2023.

FACTUAL MATRIX IN A NUTSHELL

The subject matter of this petition concerns a mosque situated in Eravur, known as the Valiyappa Thakkiya Mosque. A donor subsequently came forward, expressing his willingness to renovate the mosque at his own expense, on the condition that the mosque be renamed as "Mohideen Abdul Qadir Jailani Valiyappa Thakkiya Mosque."

Following this, the appellant sought approval from the Wakf Board for both the renovation and the proposed name change. Initially, the Wakf Board refused the request. However, it later reversed its decision and granted permission.

Dissatisfied with this outcome, the Respondent-Petitioner-Respondent (hereinafter referred to as the Respondents) filed an appeal before the Wakf Tribunal. After hearing both parties, the Tribunal set aside the Wakf Board's order dated 02.12.2021, which had permitted the name change. Furthermore, the Tribunal determined that the existing name of the mosque, *Waliyappa Thakkiya Mosque*, should be retained.

It is against this order of the Wakf Tribunal that the appellants have now preferred the present appeal.

OBSERVATION OF THIS COURT

This mosque has a history spanning over 80 years, and its original name, *Valiyappa Thakkiya Mosque*, has been in use throughout that time. There is no necessity to alter the name. Permitting a name change would open the floodgates to litigation, as it may encourage trustee boards to alter mosque names at their whims and fancies. Furthermore, if the donor truly intends to renovate the mosque in good faith and for the benefit of the institution, such

contributions should not be tied to conditions such as renaming the mosque. A donation made subject to a name change suggests an ulterior motive rather than a spiritual one.

Evidence presented reveals that out of 554 total members of the *jamaath*, only 270 consented to the proposed name change. In these circumstances, altering the name is likely to cause division and discord among the *jamaath* members.

The appellant contends that the heirs of the mosque's founder have granted their consent to the name change. However, their consent is not required, as this is a *Wakf* property. The authority to make decisions regarding such matters lies solely with the *Wakf* Board; the heirs of the founder have no legal standing to authorize such a change.

This Court further notes that from the date of the mosque's registration with the *Wakf* Board, it has consistently been known as *Valiyappa Thakkiya Mosque*. There exists no valid basis or justification for changing its name. Altering the name solely to satisfy the preferences of a donor is not warranted. If such requests are entertained, the *Wakf* Board would set a harmful precedent by allowing name changes based on donor demands.

Having carefully scrutinized the evidence presented, the order of the *Wakf* Board, and the order of the *Wakf* Tribunal, this Court is of the view that the *Wakf* Tribunal has delivered a reasonable, practical, and justifiable order. Therefore, there is no necessity to interfere with the Tribunal's decision.

For the foregoing reasons, the appeal is dismissed. The order of the *Wakf* Board dated 02.12.2021, permitting the name change of the mosque to "Abdul Qadir Jailani Valiyappa Thakkiya Palliwasal," is hereby set aside. The order of the *Wakf* Tribunal dated 29.04.2023 is upheld.

Furthermore, this Court declares that the name of the mosque shall remain as *Valiyappa Thakkiya Mosque* henceforth.

Appeal dismissed. No costs.

President Court of Appeal (Actg)

K.P. Fernando, J.

I agree.

Judge of the court of appeal