

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

*In the matter of an Appeal made
under and in terms of Section 55A of
the Muslim Mosque and Charitable
Trust or Wakf Act 51 of 1956 as
amended read with Section 754(1)
and 755 of the Civil Procedure Code
as amended an appeal against the
order dated 16.04.2025 of the Wakf
Tribunal*

Court of Appeal Case No.

CA/WKF/03/2025

Wakf Tribunal Case No.

WT/302/2024

Wakf Board Case No.

WB/9548/2023

1. M.T.M Areel,
No. 46/12, Jinna Road, Galbokka,
Weligama.
2. A. Mohamed,
No. 110, Galbokka Road,
Weligama.
3. A.K. Muhammad,
No. 39/12D, Rubbaer Watta Road,
Nedimala, Dehiwala.
4. A.K.M Athraf,
No. 55/20, Vagirajana Mawatha,
Korattuwa, Weligama.
5. Mohideen Cader,
No. 07, 36th Lane,
Off Shady Grove Castle Street,
Colombo 08.

PETITIONERS

Vs.

1. Zaid Mukrim Hafeel,
2. Mohamed Usman Abubakkar,

Both of
Buhary Mosque and Madrasa,
Weligama.
2. Mohamed Waisu Mohamed Wasik
Buhary Mosque and Madrasa,
Weligama.
3. Mohamed Zubair Ahmed Hai,
No. 46/12, LL Lane, Galbokka,
Weligama.
4. Mohamed Zubair Ahmed Nazeer
Rizwan,
No. 195/15, LL Lane, Galbokka,
Weligama.

RESPONDENTS

AND BETWEEN

1. Mohamed Usman Abubakkar,
Buhary Mosque and Madrasa,
Weligama.
2. Mohamed Waisu Mohamed Wasik
Buhary Mosque and Madrasa,
Weligama.
3. Moahemd Zubair Ahmed Hai,
No. 46/12, LL Lane, Galbokka,
Weligama.
4. Mohamed Zubair Ahmed Nazeer
Rizwan,
No. 195/15, LL Lane, Galbokka,
Weligama.

RESPONDENT-APPELLANTS

Vs.

1. M.T.M Areel,
No. 46/12, Jinna Road, Galbokka,
Weligama.
2. A. Mohamed,
No. 110, Galbokka Road,
Weligama.
3. A.K. Muhammad,
No. 39/12D, Rubbaer Watta Road,
Nedimala, Dehiwala.
4. A.K.M Athraf,
No. 55/20, Vagirajana Mawatha,
Korattuwa, Weligama.
5. Mohideen Cader,
No. 07, 36th Lane,
Off Shady Grove Castle Street,
Colombo 08.

PETITIONER-RESPONDENTS

Zaid Mukrim Hafeel,
Buhary Mosque and Madrasa,
Weligama.

RESPONDENT - RESPONDENT

AND NOW BETWEEN

1. Mohamed Usman Abubakkar,
Buhary Mosque and Madrasa,
Weligama.
2. Mohamed Waisu Mohamed Wasik
Buhary Mosque and Madrasa,
Weligama.
3. Mohamed Zubair Ahmed Hai,

No. 46/12, LL Lane, Galbokka,
Weligama.

4. Mohamed Zubair Ahmed Nazeer
Rizwan,
No. 195/15, LL Lane, Galbokka,
Weligama.

RESPONDENT-APPELLANTS-
APPELLANTS

Zaid Mukrim Hafeel,
Buhary Mosque and Madrasa,
Weligama.

RESPONDENT- RESPONDENT-
APPELLANT

Vs.

1. M.T.M Areel,
No. 46/12, Jinna Road, Galbokka,
Weligama.
2. A. Mohamed,
No. 110, Galbokka Road,
Weligama.
3. A.K. Muhammad,
No. 39/12D, Rubbaer Watta Road,
Nedimala, Dehiwala.
4. A.K.M Athraf,
No. 55/20, Vagirajana Mawatha,
Korattuwa, Weligama.
5. Mohideen Cader,
No. 07, 36th Lane,
Off Shady Grove Castle Street,
Colombo 08.

PETITIONER- RESPONDENT-
RESPONDENTS

Before: Mahen Gopallawa, J.

Dr. D. F. H. Gunawardhana, J.

Counsel:

Saliya Pieris, P.C., with Anjana Ratnasiri and Ishan Jayasundara instructed by Eksith Madawala for the Petitioners.

Sanjeeva Jayawardena instructed by Amila Kumara for the 1st to 3rd Respondents.

Suren Gnanaraj with Sandun Batagoda for the 4th Respondent.

N.M. Reyaz with L.M.C.D. Bandara for the 5th Respondent.

Argued on: 26.03.2026, 27.04.2026, 18.05.2026, and 04.06.2026

Delivered on: 07.08.2026

Dr. D. F. H. Gunawardhana, J.

Judgement

After the period of the earlier trustees of the Buhary Mosque and Bary Madrasa of Galbokka, Weligama, the Wakf Board of Sri Lanka by its order dated 20.09.2023, appointed three trustees for the Buhary Mosque and Bary Madrasa for a period of three years commencing from 20.09.2023 till 19.09.2026. Their appointments were confirmed. Two out of the three trustees had passed away from the COVID-19 pandemic, and the remaining trustee was not permitted to take over the affairs.

Thereafter, this was brought to the Wakf Board, and the Wakf Board order directed to inform in writing to the person in-charge of the Mosque and Madrasa to hand over all the documents and accounts, and all other possessions that belongs to the administration and the management of the Mosque and Madrasa, to the new trustees.

However, there had been some commotions, and in the meantime, a complaint was made by the single trustee to the Board on 13.12.2023 for an order to issue notice under Section 15A(1) of the Muslim Mosques and Charitable Trusts or Wakfs Act, No. 51 of 1956 (as amended). Upon this, notice was issued by the Board on 16.03.2024, and the Respondents, having appeared, took up the position that the notice was against the law and that they will not handover the documents and other relevant material to the new trustees.

When the inquiry was taken up, the present Appellants (those claimed to have been appointed by the Jamaath) had filed the appeal that relates to the case bearing No. WKF/03/2025 and the appeal case bearing No. WKF/02/2024.

However, after submissions, the Tribunal decided to dismiss the appeal made by the present Appellant without further hearing by its order dated 26.04.2025.

Being aggrieved by the said order dismissing the appeal without going into the merits, the Petitioners have filed this Appeal bearing No. WKF/03/2025.

The same objections were raised in respect of this Appeal as well by the Respondents. Therefore, this Appeal should also stand dismissed for the same reasons that I have adumbrated in my judgement in the case bearing No. WKF/02/2024.

Conclusion

For the reasons adumbrated above, I dismiss this Application, without costs.

JUDGE OF THE COURT OF APPEAL

Mahen Gopallawa, J.

I agree.

JUDGE OF THE COURT OF APPEAL