

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
CHANCERY DIVISION**

B E T W E E N:

- (1) IRFAN MOHAMMED
- (2) ALTAF KHANJRA
- (3) MAAZ MUSA
- (4) JAVID ADAM
- (5) IKRAMULHAQ PATEL
- (6) SAEED ADAM

Applicants

and

- (1) DAWOOD IBRAHIM PATEL
- (2) INAYAT ALI
- (3) AHMED VALI
- (4) FARUK BHARUCHA
- (5) ALI MOHMED VIKA
- (6) VALLI AHMED
- (7) GHAFUOR ADAM PATEL
- (8) SHAMSUDDIN IBRAHIM PATEL (GHISA)
- (9) ILYAS AKUBAT
- (10) ELYAS ADAM
- (11) SANAULLAH AHMED
- (12) IMTIAZ OUGRADAR
- (13) YAKUB PATEL
- (14) ALI PISAD
- (15) SIRAJ BAPU

(as the Alleged Trustees and/or the Executive Committee of Masjid e Tauheedul Islam)

- (16) HIS MAJESTY'S ATTORNEY GENERAL

Respondents

FIRST WITNESS STATEMENT OF ALTAF KHANJRA

I, **ALTAF KHANJRA** of 26A East Park Road, Blackburn BB1 3BB WILL SAY AS FOLLOWS:

1. I am a member of the association known as Masjid e Tauheedul Islam, registered under charity number 700817 with a registered contact address at 7 Shear Brow, Blackburn BB1 7EU (the "Charity").

2. I make this statement in support of the Applicants' application for urgent interim injunctive relief to restrain the Charity and its trustees from concluding the election of a new Executive Committee of the Charity (*i.e.* its charity trustees within the meaning of the Charities Act 2011) in which voting took place between 29 July 2024 and 4 August 2024 and the results of which are due to be announced on Sunday, 11 August 2024 (the "**Election**"), and/or for declaratory relief that the Election was invalid. The Election has been held in a manner directly contrary to the Charity's constitution and to all proper standards of electoral conduct, and it poses a threat to the management of a charity with over £5 million in assets, in circumstances in which the trustees have purported to suspend an Imam and where the Applicants have strong suspicions about financial mismanagement at the Charity. Consequently, the Applicants also seek a mandatory order that fresh elections be held in accordance with the Charity's constitution, and ancillary relief to prevent the dismissal of the Imam as an employee of the Charity pending fresh elections.

3. Very shortly before the finalising of this witness statement, the Applicants became aware that the Trustees and/or Executive Committee had posted the results of the purported Election on the notice-board of the mosque run by the Charity. The Applicants have not had time fully to amend this witness statement in light of that development, and references to the forthcoming results should be read in this light of this paragraph. However, the Applicants do not know (and the notice of results does not state) whether the purported new Executive Committee is intended by the Respondents to take office from this Sunday, 11 August 2024 (as previously announced to the members) or instantly. For the avoidance of doubt:
 - 3.1. The Applicants do not accept that the Election was valid or that any elections to the Executive Committee arising out of that Election are valid.
 - 3.2. The Applicants therefore seek declaratory relief from the court that the purported Election was invalid, and that the purported new members of the Executive Committee do not hold office under the Charity's constitution.
 - 3.3. The Applicants still seek relief for the holding of fresh elections in line with the Charity's constitution.

4. To make clear at the outset, none of the Applicants (who are all members of the Charity) stood as candidates in that Election, or sought to do so, and none of them wishes to be a

trustee of the Charity. Their only interest is in the restoration of good management to the Charity, which cannot be achieved unless there are free, fair and procedurally proper elections to the Executive Committee.

5. The facts and matters set out in this statement are within my own knowledge unless otherwise stated and I believe them to be true. Where I refer to information supplied by others, I identify the source of the information. Facts and matters derived from other sources are true to the best of my knowledge and belief.
6. There is now produced and shown to me a paginated bundle of true copy documents marked "AK1". All references to page numbers in this statement (which are given in the format [AK1/*]) are to the pages of Exhibit AK1 unless otherwise stated. Where any material referred to or exhibited, or any facts or matters discussed below, is subject to legal professional privilege, the inclusion of that material or statement of fact does not in any way constitute a general waiver of privilege in relation to that or any other privileged material (or any matter referred to in that material). All of the Applicants' rights in relation to privilege are strictly reserved.
7. Without waiving privilege, this witness statement was drafted by the Applicants' legal advisers on the basis of information provided by the Applicants (including me). I have reviewed and provided comments on it. I have reviewed the final version along with the Exhibit AK1 on the date this statement has been signed. I have signed the statement of truth below on the date stated.

The Charity

8. The Charity is established for two purposes:

"(A) To advance the Islamic religion amongst the inhabitants of Blackburn and to teach the Islamic way of life by the faith and literature set out by the scholars of the Islamic University of Deoband India in accordance with 'Ahle-Sunnat-Wol-Jamaat' and (B) To advance education, including religious education by maintaining and managing a school for girls of the Islamic faith" [AK1/7].

9. The Charity is a significant religious and community institution in Blackburn. Principally, its activities take place at a mosque in Bicknell Street, Blackburn (the "Mosque"), which was purchased in the 1980s at the time of the foundation of the Charity and in which the Charity (via its trustees) owns the freehold interest [AK1/32-

34]. (I note in passing that the Trustees appear to have failed to update the Land Registry entry for the Mosque, which is still registered in the names of the four original trustees and not the names of the current (purported) trustees.) The Mosque has been significantly developed in the 1990s and 2000s, including by the addition of additional educational facilities. The Charity also owns a number of other properties in Blackburn [AK1/16-37].

10. The Charity's activities include not only the provision of daily worship at the Mosque, but also Quranic and Islamic studies for children and adults in its madrasah (the "Madrasah"). The Madrasah has approximately 1,000 students and over 50 teachers. Until 16 March 2024, the Principal of the Madrasah was Suhel Master, who has been purportedly suspended by the Trustees and Committee after he began to unearth and make public the mismanagement of the Charity by the Trustees and Committee.
11. In its last set of filed accounts (for the year ending 31 December 2022), the Charity declared net assets of £5,747,688, including approximately £1.95 million of unrestricted funds [AK1/38-56]. Furthermore, as set out below, the Applicants believe that the Charity's filed accounts are not fully representative of all its financial activities.

The Charity's constitution

12. The governing document of the Charity is a constitution adopted on 22 May 1988 (the "Constitution") [AK1/9-14]. The Constitution has been sadly ignored by the trustees for much of the time in which the Charity has been in existence. In particular, as I set out below, there have been no AGMs and no elections for the Executive Committee.
13. The Applicants rely on all provisions of the Constitution, which they wish to see implemented in full, in a free and fair manner, but in particular I note the following:
 - 13.1. By clause 8, the Constitution provides that there shall be "*four Trustees of the Association*", and names the four initial trustees. Clause 8 also provides that the property of the Charity shall be vested in the names of not less than two (and no more than four) of these trustees, and that they shall "*administer the same in all respects in accordance with the directions of the Executive Committee*".
 - 13.2. By clause 9, the Constitution provides for an "*Executive Committee*" of fifteen members "*elected at the General Meeting in accordance with the procedure laid down in this constitution who shall serve for a period of one year but shall be*

eligible for re-election” (the “Committee”). Without waiving privilege, the Applicants have been advised that the most likely compliant method of voting would be by a show of hands or poll taking place at the General Meeting.

- 13.3. Clause 12 sets out the process for nominations, which must be *“in writing signed by two members”* and *“received by the Secretary not less than seven days before the Annual General Meeting”*.
- 13.4. Clause 17 provides that an Annual General Meeting (“AGM”) of the Charity shall be held in December each year.
- 13.5. Clauses 18 and 19 provide for the calling of a Special General Meeting (“SGM”) either by the Committee (upon proper notice to the members) or upon the written demand of any ten members requiring the Secretary to give notice.
- 13.6. Clause 20 provides that *“At all General Meetings of the Association voting shall be confined to fully paid-up members of the Association and all members shall be entitled to vote and have one vote”*.
14. Without waiving privilege, the Applicants have been advised that the *“Trustees”* referred to in clause 8 may not be (or may not be all of) the charity trustees for the purposes of the Charities Acts, because the body with the day-to-day management of the Charity is (according to clauses 8 and 13 of the Constitution) the Committee. The Applicants believe that the Trustees (as I shall continue call them) were in fact intended to act as trustees holding the property of the Charity. However, the Trustees are the registered charity trustees of the Charity on the Register of Charities [AK1/5], and consequently this Application has been brought against them (as well as the members of the Committee), albeit that the Applicants do not by that concede that the Trustees are the *charity* trustees of the Charity, or that the Committee members are not also charity trustees of the Charity.
15. However, one of the several difficulties with which the Applicants are faced is that both the Trustees and the Committee appear to take an active role in the day-to-day management of the Charity, the Mosque and the Madrasah. Because of the lack of reporting by the Trustees and/or the Committee, the Applicants do not entirely understand the internal divisions of labour between these two bodies in practice. Consequently, where I refer herein to the Trustees and Committee separately, I do not intend by that to

exclude the possibility that the Committee members are also charity trustees of the Charity.

The failure to hold AGMs and the appointment of trustees

16. Despite clause 17 of the Constitution, the Applicants believe that no AGM (or other General Meeting) of the Charity has been held for almost 30 years.
17. Consequently, the Applicants do not know the process by which the members of the (purported) Committee have been appointed. Clause 9 of the Constitution provides that members of the Committee will be elected at a General Meeting and serve for a period of one year (albeit that they are eligible for re-election). I note that there is a power under clause 10 of the Constitution for the Committee to co-opt up to five “*additional members*”, but the Applicants believe that these must also be limited to a one-year term of office.
18. The Applicants do not therefore understand how the Fifth Respondent could sign off the Trustees’ annual report in the Charity’s latest filed accounts (for the year ended 31 December 2022) on 15 November 2023, which described the Committee as an “*elected voluntary Executive Committee*” [AK1/41] (underline added).
19. The Applicants are also unclear how the present Trustees have been appointed. The Charity Commission website states that the First, Second and Third Respondents were appointed as trustees on 1 September 2023 [AK1/5]. This followed the death of Yunus Bohra in February 2023 (which left only the Fourth and Fifth Respondents as Trustees) [AK1/40]. Despite being members of the Charity, the Applicants have not been informed of the process by which those Respondents were appointed. Without waiving privilege, the Applicants have been advised that there may be legal routes whereby the existing Trustees could appoint successor trustees, but no report on this has been made to the members. However, I note that the number of current Trustees (five) now exceeds the maximum number set by clause 8 of the Constitution (four).

Financial irregularities and lack of transparency

20. Because of the lack of General Meetings of the Charity, many of the important functions of such meetings, including financial scrutiny, have not been carried out:

- 20.1. There has been no valid appointment of auditors, which by clause 16 of the Constitution must be "*elected or selected at the Annual General Meeting*". Nor has there been any report from the auditors at an AGM, as required by clause 21 of the Constitution. I note that the latest filed accounts for the Charity bear a report from the purported auditors of the Charity, Xaviers Accountants Limited ("**Xaviers**"). The Applicants do not know whether or how Xaviers came to understand that it had been validly appointed as auditors of the Charity, or (consequently) what standards it has applied to its audit of the accounts.
- 20.2. There has been no report from the Treasurer, who is obliged by clause 15 of the Constitution to present annual accounts to the members at the AGM.
- 20.3. There has been no report from the Secretary, who is obliged by clause 14 of the Constitution to make a report "*of the Association's activities*" at the AGM.
- 20.4. There has been no report from the Chairman, who is obliged by clause 21 of the Constitution to make a report "*on the proceedings of the Association*" at the AGM.
21. Furthermore, the Trustees and the Committee have refused or ignored requests for inspection of the Charity's books of account, despite clause 26 of the Constitution providing that "*The books of account of the Association shall be open to the inspection of any member of the Association...and it shall be the duty of the Secretary and the Treasurer to produce them for inspection at reasonable notice and at reasonable times*". On 9 June 2024, I have been told that Maulana Ilyas Darbar and Imran Kovariwala attended a meeting with the some of the Trustees and Committee and asked Sunaullah Ahmed (a Committee member) for the books and accounts [AK1/258-259]. However, these have not been provided, in breach of clause 26.
22. The Applicants have grounds to believe that the Charity's filed accounts do not represent the full picture of its financial activities:
- 22.1. The parents of each student at the Madrasah pays a fee of £5-£10 per week, in cash. There are approximately 1,000 students, and they attend for approximately 45 weeks in a year. Even at the lower figure of £5, that should give an income of £225,000.
- 22.2. However, the latest filed accounts (for the year ending 31 December 2022), show an income from the Madrasah of only £121,140 [AK1/52].

22.3. The Applicants believe that the Trustees and/or the Committee are paying the teachers at the Madrasah using the cash taken from the students, but not accounting for this in the accounts. This is connected to a wider dispute about the management of the Madrasah, and it is the Applicants' belief that the Trustees and/or the Committee are deliberately hiding the amounts paid to the teachers at the Madrasah because they are paying them below minimum wage.

The removal of the Imam

23. On 16 March 2024, the Trustees and Committee purported to suspend the Imam and Principal of the Madrasah, Suhel Master (the "Imam"). He has provided his own witness statement as to these events (dated 6 August 2024), and I do not wish to repeat the content of that statement unnecessarily here [AK1/249-257]. However, in short, he sets out how he was suspended after he had begun to raise a number of concerns (which are shared by the Applicants):

23.1. That the staff of the Madrasah are being paid below the minimum wage, which not only poses a severe reputational risk to the Charity but is also causing significant dissatisfaction among the teachers.

23.2. That the Trustees and Committee had failed properly to account for the fees at the Madrasah.

23.3. That the girls school which is part of the Charity's objects was transferred to a limited company, Star Academies, of which Kamruddin Kothia (a former purported Vice-President of the Charity) is a director and Chairman of the Board of Trustees, in circa 2015. Star Academies was from 2010 to 2018 operating under various names that referred to the "Tauheedul" name, and the Imam and Applicants are concerned that there was no consultation with the members about this transfer. They are also concerned that the purported Trustees and Committee may not have had proper authority to engage in this transaction, and do not understand what decision-making process took place, or how any conflicts of interest were managed.

24. I understand from the Imam's statement that, following his suspension, he has been the target of a sustained campaign by (among others) family members of the Trustees and/or Committee. In particular, he was verbally abused in public by the sons of a Committee

member on 26 March 2024, and was made the subject of a website describing him as a “Rasputin” who has “shattered” the “level of confidentiality and solidarity” owed to fellow Madrasah teachers (or “ustads”) by making a report to HMRC about the irregularities he had discovered.

25. In a letter dated 6 August 2024, expressed to be from the Charity’s “Board of Trustees & Executive Committee”, the Imam was informed that his suspension had been extended until at least after the Election had taken place, because investigations were still ongoing and “The additional time will also allow the newly elected committee adequate time to settle and participate effectively in the decision-making process regarding this matter” [AK1/248].

The Election

26. On or around 13 June 2024, the Trustees and/or Committee issued a notice in the name of the Charity announcing an AGM for 4 August 2024 (the “AGM Notice”) [AK1/95-99]. (That is despite clause 17 of the Constitution, which states that the AGM shall be held in December.) The stated agenda for the AGM was:

- “1) Financial reporting
- 2) The dissolution of the current Committee
- 3) The appointment of the new Committee”.

27. Accordingly, the AGM Notice also included an announcement that an election would be held to the Committee, and set out the process that would be adopted for that election. The Applicants say that that process was in breach of the Constitution in the following ways:

- 27.1. The AGM Notice set out “Nomination Criteria” which prospective candidates would have to meet in order to be entered onto the ballot paper. It went on to say that “Any nominations received that do not meet any one of the above essential criteria will not be shortlisted for Committee members and will be informed in writing at the start of the nomination review & candidate announcement period”. I refer to this (together with the “criteria”) as the “**Vetting Process**”. The Applicants say that this Vetting Process is not in accordance with the Constitution and means that the Election process was fundamentally flawed from the outset,

because the vast bulk of these purported criteria have no foundation in the Constitution. In particular, the “*essential*” criteria included:

- 27.1.1. That “*Nominees must be classified as a founder member*” (criterion 2). There is no definition of “*founder member*” in the AGM Notice, but there is no provision in the Constitution for any discrimination between members except on the basis of whether they are “*fully paid-up*” (clause 20).
- 27.1.2. Similarly, that nominations must be supported by “*2 founder member references*” (criterion 3). This does not match the Constitution, which provides only that “*two members*” are required for a nomination (clause 12). Furthermore, the purported requirement that “*Nominees must have been a member prior to 1st January 2020*” (criterion 4) has no basis in the Constitution.
- 27.1.3. That nominees must be a minimum age of 25 years old at the time of submission of a nomination (criterion 5). This has no basis in the Constitution.
- 27.1.4. That nominees “*cannot be in paid receipt of any financial remuneration / in kind benefit from the trust for services provided*” (criterion 10). While I am advised that it is good practice for a charity to take steps to ensure that its decisions in relation to trustee remuneration are taken in the best interests of the charity, I am also advised that this does not extend to making it a legal requirement that employees of the Charity be banned from standing for election to the Committee, *i.e.* to be charity trustees, of the Charity. Furthermore, this purported criterion has no basis in the Constitution.
- 27.1.5. That nominees “*must not have a family member in the committee i.e. Brother, son or father*” (criterion 11). This requirement has no basis in the Constitution or general law. Moreover, the Trustees and Committee do not appear to be applying this as a requirement that candidates may not be related to (purported) members of the existing Committee. Indeed, a number of the candidates in the Election are family members of existing Trustees and/or Committee members (who are, of course, running the

Election). For example, the Fourth Respondent's son, Fayaz, is a candidate. As I set out below, the Applicants have reason to believe that Fayaz was involved in the organisation of the Election process.

- 27.2. The AGM Notice also required prospective candidates to “*read, sign and submit*” a copy of a purported “*Code of Conduct*” as part of their “*submission for a new committee member*”. There is no basis in the Constitution for this requirement. Furthermore, the “*Code of Conduct*” purported to provide for a power to dismiss members of the Committee for failure to attend meetings without valid reasons (although it did not specify who could exercise that power). Again, there is no basis for such a power in the Constitution. While the Applicants are unaware of any individual who might have been a candidate in the Election but for this requirement, they do not of course have perfect knowledge of the state of mind of all eligible prospective candidates.
- 27.3. Further, the AGM Notice stated that nominations would close on 7 July 2024 and that “*any nominations submitted outside this period will be invalid*”. However, clause 12 of the Constitution states that the deadline for nominations is seven days before the AGM. The AGM Notice stated that the AGM would be held, at the earliest, on 4 August 2024 and so the deadline for nominations under the Constitution was, at the earliest, 27 July 2024.
- 27.4. Most importantly, however, the AGM Notice also set out that voting in the Election would take place over the course of “*2-3 weeks*”. This is directly contradictory to clause 9 of the Constitution, which provides that elections must take place “at the General Meeting” (underline added).
28. On 22 July 2024, the Trustees distributed a further notice, purporting to call a Special General Meeting of the members on 11 August 2024 (the “**SGM Notice**”) [AK1/114-119]. The SGM Notice stated that the “*Board of Trustees*” had unanimously agreed to hold an SGM on 11 August 2024 at 5pm, with the following “*special item on the agenda*”:
- “• *Executive Committee*
 - *Dissolution of the current Executive Committee*
 - *Announce new Executive committee*
 - *Any other matters related to Executive Committee*”

29. The Applicants therefore understand that the SGM Notice was giving effect to the part of the AGM Notice which stated that the General Meeting would take place after 4 August 2024. Certainly, no General Meeting was held (to the Applicants' knowledge) on 4 August 2024. Furthermore, the SGM Notice:

29.1. Set out a list of 32 candidates in the Election. It noted against four of those candidates that they were related to other candidates (and therefore purportedly one of them would be excluded by criterion 11 in the AGM Notice). I note in passing that none of the Applicants were candidates in the Election (or sought nomination).

29.2. Stated that voting would take place between 29 July 2024 and 4 August 2024 (inclusive). This is directly contradictory to clause 9 of the Constitution, which provides that elections must take place "at the General Meeting" (underline added). Furthermore, it introduces a risk of election fraud, since the ballot boxes are kept overnight in the safe at the Mosque, to which only the current Committee members (some of whom are candidates in the Election) have the keys [AK1/168].

29.3. Stated that it was permitted to vote in the Election online, for members who do not live in a BB postcode or are abroad. Again, this is directly contradictory to clause 9 of the Constitution, which provides that elections must take place "at the General Meeting" (underline added).

29.4. Stated that the method of voting was to be that each voter "*MUST select 15 candidates as part of their vote*" (and that "*Any forms where there are more than or less than 15 votes, will not be counted*"). This is contradictory to clause 20 of the Constitution, which provides that "*At all General Meetings of the Association voting shall be confined to fully paid-up members of the Association and all members shall be entitled to vote and have one vote*" (underline added).

29.5. Stated that "*The votes will be counted by Independent Volunteers and Masjid volunteers. If you are interested in supporting please put your name forward to the office.*" It also stated that "*We will invite individuals to come in and randomly check some ballot papers versus what has been counted. If you are interested in supporting, please put your name forward to the Masjid office.*" It finally stated that the selection of volunteers "*will be decided by the Trustees only and their decision will be final*".

30. Moreover, since nominations and voting in the Election have begun, it has become clear that the Election is not being carried out in a free and fair manner, which gives the Applicants cause for concern that it is not being carried out in the interests of the Charity:
- 30.1. The Applicants have been made aware that the supposedly independent ballot observers of the Election were in fact appointed by one of the candidates, Imran Adam Patel (also known as Imran Fossiwala/Fansiwala). In particular, the Third Applicant and Harun Desai are eyewitnesses that one of the independent observers told them that this was the case and have given statements of what they were told [AK1/166-167].
- 30.2. The Applicants have eyewitness evidence that one of the independent ballot observers of the Election was paid for his time by Imran Adam Patel, one of the candidates in the Election (whether from his own funds or those of the Charity, the Applicants are unaware) [AK1/170].
- 30.3. The Applicants can see from the “Document Properties” of the AGM Notice that it was produced by Fayaz Bharucha, a candidate in the Election [AK1/127].
- 30.4. The voting process appears to have been organised by one of the candidates in the Election, Imtiaz Ougradar. The Third Applicant has specifically discussed this with Mr Ougradar [AK1/166].
- 30.5. The Applicants have eyewitness testimony from a Salim Patel (a candidate in the Election) that the nomination of another candidate was accepted after the deadline for nominations had passed [AK1/126], permitted by the same Imtiaz Ougradar.
31. As a result, 14 candidates in the Election withdrew their nominations on 28 July 2024 in protest at the way in which the Election was being carried out, describing it as “*inherently flawed and unconstitutional*” [AK1/151-163]. However, their names were not removed from the ballot paper by the Trustees and/or the Committee, which would have misled members into believing that those candidates endorsed the Election.

Failures to call SGMs upon request

32. Clause 19 of the Constitution provides that “*any ten members of the Association or more may require the Secretary by notice in writing specifying the agenda therefor to summon*

a *Special General Meeting of the Association*” and that upon receipt of that notice the Secretary “*shall forthwith give not less than fourteen days notice to all members*”.

33. On 3 July 2024, 26 members wrote to the Secretary of the Charity requesting “*the secretary as per the constitution to call a special general meeting*” and quoting clause 19 of the Constitution [AK1/111-113]. The letter also set out a proposed agenda for the SGM:

- “• *The SGM is being requested because of the lack of transparency, serious issues around the procedures and clear contradictions to our constitution in the forthcoming AGM on 4th August 2024.*
- *The conduct of the Executive Committee and the Trustees with regards to the recent events in the Masjid including unacceptable behaviour, illicit/illegal activity, embezzlement of properties, and Financial irregularities taking place within the Masjid and Madressah.*
- *We have no confidence in the current Trustees and Executive Committee members to hold office.*
- *There is conflict of interest and nepotism within the Trustees and Executive Committee. The appointment of Trustees and Executive Committee members, whereby appointments have taken place without the approval or even consultation of the members of the association.”*

34. No response to this letter has been received, and no SGM was called to discuss the proposed agenda. Accordingly, on 27 July 2024, 14 members wrote to the Secretary of the Charity [AK1/120-121]. By this time, the SGM Notice had been given. The members requested that the following agenda items be discussed at the SGM on 11 August 2024:

- “1. *The dissolution of the current Trustees and Executive Committee members with immediate effect.*
2. *The current flawed election process to be abandoned immediately.*
3. *The appointment of an interim group of four independent trustees, selected by the founding members, who will not apply to be trustees/committee members and have no familial connections to the incumbent unelected Trustees/Committee members.*
4. *This interim group will communicate with all founding members regarding the process and criteria for elections by no later than 31 August 2024.*
5. *The interim group will conduct elections by 15 September 2024.*

6. The inauguration of the elected members will occur no later than 22 September 2024 during a second Special General Meeting.”

35. This letter has also gone ignored, and the SGM due to be held on 11 August 2024 does not (to the best of the Applicants’ knowledge) have these items on its agenda.

Urgency and the permission of the Charity Commission

36. The Election is due to be concluded on Sunday, 11 August 2024. After that date, although the Applicants contend that the Election would be invalid, the purported new members of the Committee would have practical authority to take steps in relation to the Charity’s substantial property and activities. The court’s intervention is therefore urgently required to safeguard the Charity from the result of an election that is in breach of the Charity’s Constitution on multiple counts.
37. If the Committee and Trustees do wish to act in the Charity’s best interests, for “*the development and safeguarding of our Masjid*” (as they put it in the SGM Notice [AK1/116]), then a delay of only 6 weeks to hold the first elections to the Committee in over 30 years – freely, fairly, and by the book – can cause them little prejudice.
38. While the Applicants accept that the AGM Notice was given on or around 13 June 2024, the scale of the Trustees’ departure from the procedures in the Constitution and of the breaches of due process in the conduct of the Election has grown since the SGM Notice and intensified once voting started on 29 July 2024. The Applicants no longer have any faith that the Trustees are conducting the Election in the interests of the Charity and have been driven to seek urgent injunctive relief so that free, fair and procedurally proper elections can be held.
39. Without waiving privilege, the Applicants have been advised that the permission of the Charity Commission is usually required to bring proceedings about the internal workings of a charity, under section 115 of the Charities Act 2011. However, the urgency of this Application means that it will not be possible to obtain Charity Commission consent in time for this Application to be effective (*i.e.* to predate the outcome of the Election). While the court’s jurisdiction will be a matter for legal submissions in due course, the court is asked to grant the limited interim relief sought notwithstanding section 115 of the Charities Act 2011.

Full and frank disclosure

40. While it is intended that the Respondents should have short notice of this application, the Applicants wish to make sure that, if the court is to act, it appreciates in particular the following points (in addition to those already set out in this witness statement):

40.1. The Applicants have little in the way of direct documentary proof of the alleged financial irregularities at the Madrasah. However, that is only to be expected given that the Applicants are not (and do not seek to be) Trustees or on the Committee, and the Trustees and Committee have failed to organise General Meetings of the Charity at which financial scrutiny could be carried out.

40.2. The Applicants (and many in the Mosque community) now know the results of the Election because they have been posted on the notice-board of the Mosque, very shortly before this evidence was finalised. I exhibit a photograph of the notice at [AK1/260]. As I set out above, the Applicants do not accept that the results of the Election are valid or that a new Committee has validly taken office.

40.3. The Applicants are members of a grouping within the Mosque community calling itself the "Interim Working Committee" (the "IWC"), albeit that none of the Applicants stood in the Election. Members of the IWC did put themselves forward in the Election, but were among those who withdrew their nominations in protest at the way in which the Election was being carried out. The IWC has been in correspondence with the Trustees and Committee to register the concerns of its members about the conduct of the Election and the management of the Charity generally, in particular about the issues set out in this statement.

Cross-undertaking as to damages

41. I do not believe that the Respondents will suffer any relevant financial loss or damage as a result of the interim injunction sought being made. However, I confirm that I and my fellow Applicants are willing and able to provide a cross-undertaking in damages up to the value of £10,000. The Applicants are all higher-rate taxpayers and are able to satisfy an award up to that amount.

Interim relief sought

42. For the reasons I have set out above, the Applicants believe that the Election is both unconstitutional and being improperly conducted. While the Applicants have wider concerns about the management of the Charity, their primary hope is that those can be addressed once a free, fair and procedurally proper election has been held and the conduct of the Charity's affairs brought in line with the Constitution. Accordingly, the Applicants seek the following urgent interim relief:

42.1. That the trustees of the Charity be restrained from concluding the Election, and/or a declaration that the Election was invalid (and no new Committee members have been elected thereby).

42.2. That the trustees of the Charity must ensure that a fresh election (including a fresh nominations process) takes place in accordance with the provisions set out in the Charity's Constitution, at a General Meeting held within 3 weeks.

42.3. That the Respondents be restrained (on an interim basis) from taking any steps in relation to the removal of Suhel Master as an Imam at the Charity.


42.4. That there be liberty to apply for the Applicants should the trustees fail to comply with any part of the order.

42.5. Appropriate provision as to costs.

Statement of truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:



Name: ALTAF KHANJRA

Dated: 7/8/24