

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C)No.658 of 2021

1. The Holy Spirit Catholic Church, Tribal Colony, New Chekon, PO & PS Porompat, Imphal East District, Manipur-795005, represented by its Chairman, Dominic Paojangam Haokip, son of (late) Solomon Chungkholet Haokip, aged about 55 years, resident of Mahabali Kabui Khul, PO Imphal & PS Porompat, Imphal East District, Manipur.
2. Sumpi Peter Anal, aged about 40 years, son of Sumpi Moris Anal, resident of New Lambulane 1st street, porompat Sub-Division, PO & PS Porompat, Imphal East District, Manipur- 795005, Joint Secretary Holy Spirit Catholic Church, Tribal Colony New Checkon.

...Petitioners

– Versus –

1. The State of Manipur represented by the Commissioner(Revenue), Government of Manipur.
2. The Principal Secretary(works), Government of Manipur.
3. The Deputy Commissioner, Imphal East, PO & PS Porompat, Imphal East District, Manipur-795005.
4. The Sub-Divisional Officer, Porompat, PO & PS Porompat, Imphal East District, Manipur-795005.

.... respondents.

With

MC(WP(C))No.90 of 2023

1. The State of Manipur represented by the Commissioner(Revenue), Government of Manipur.
2. The Principal Secretary(works), Government of Manipur.
3. The Deputy Commissioner, Imphal East, PO & PS Porompat, Imphal East District, Manipur-795005.
4. The Sub-Divisional Officer, Porompat, PO & PS Porompat, Imphal East District, Manipur-795005.

.....Applicants***-Versus-***

1. The Holy Spirit Catholic Church, Tribal Colony, New Chekon, PO & PS Porompat, Imphal East District, Manipur-795005, represented by its Chairman, Dominic Paojangam Haokip, son of (late) Solomon Chungkholet Haokip, aged about 55 years, resident of Mahabali Kabui Khul, PO Imphal & PS Porompat, Imphal East District, Manipur.
2. Sumpi Peter Anal, aged about 40 years, son of Sumpi Moris Anal, resident of New Lambulane 1st street, porompat Sub-Division, PO & PS Porompat, Imphal East District, Manipur- 795005, Joint Secretary Holy Spirit Catholic Church, Tribal Colony New Checkon.

....Respondents.

BEFORE**HON'BLE THE ACTING CHIEF JUSTICE MR. M.V. MURALIDARAN****JUDGMENT & ORDER**
(Ora)**29.03.2023**

This writ petition has been filed by the petitioners for issuance of a writ of mandamus directing the respondents not to take up eviction process of the premises now owned by Holy Spirit Catholic Church.

2. On 4.10.2021, when the writ petition was taken up for admission, this Court passed an interim order directing the parties to maintain status quo. Aggrieved by the order of status quo, the State filed MC (WP) No.90 of 2023 to vacate the interim order dated 4.10.2021 and to allow the State authorities to remove the unauthorized religious structures on public places in compliance with the Hon'ble Supreme Court order dated 29.9.2009 in SLP (C) No.8519 of 2006 (Union of India v. State of Gujarat and others).

3. By consent, both the writ petition as well as the miscellaneous case were heard together and disposed of by this common order.

4. Heard Mr. A. Mohendro, learned counsel for the petitioner and Mr. Lenin Hijam, learned AG for the respondents.

5. Brief facts are as follows:

Holy Spirit Catholic Church is a Church situated at Tribal Colony, New Checkon, Imphal East and the settlers of New Checkon area who profess Christianity (Catholic) felt the need of a Catholic Church in the locality and, as such, some volunteers have made efforts for establishment of a Catholic Church. The volunteers tried to purchase a piece of land suitable for establishment of a Church. After rigorous search, the volunteers met the owners of the land where the present Church is situated and requested the owners to transfer a piece of land for construction of a Catholic Church. The owners agreed to allow the volunteers to use a piece of land measuring 0.16 acre out of their land for construction of the Church, but the owners refused to transfer the piece of land.

5.1. After getting permission from the land owners, namely Rajkumari Victoria and Rajkumar Tamphasana Devi, the Church was constructed in the year 1990. Initially the structure was Kutcha type and later on a semi-pucca Church was constructed in the year 1998. On 16.8.2021, the Parish Priest, St. Paul Parish, Sangaiprou issued a certificate to the effect that Holy Spirit Catholic Church at Tribal Colony, New Checkon is one of the unit (entity) Churches of Catholic Christians. The Holy Spirit Catholic Church have at present 67 members, representing each family and about 250 persons have been attending the Church regularly.

5.2. In the year 2018, the Director of Settlement and Land Records, Manipur addressed a letter to the Deputy Commissioner, Imphal East regarding

unauthorized construction of religious structures in connection with PIL No.19 of 2013, wherein it has been stated that Holy Spirit Catholic Church was constructed over a piece of land, which is part and parcel of land under C.S.Dag No.265. It has also been stated that the land under C.S. Dag No.265 of Patta No.639 measuring 8.00 acre, Ingkhol class was recorded in the name of Victoria Devi and Rajkumari Tamphasana Devi.

5.3. The petitioner purchased a piece of land measuring 0.16 acre on the south eastern portion, out of the land under C/R 982 DLR, patta No.639(new) covered by C.S. Dag No.265 measuring an area of 8.00 acre Ingkhol class situate within the Revenue Village No.26-Wangkheirakpam Leikai, Porompat Sub Division from its new owners, namely Rajkumar Balaram and Chongtham Bijoy vide registered sale deed dated 21.12.2018 in the name of Holy Spirit Catholic Church. Thereafter, the name of Holy Spirit Catholic Church has been mutated in the land records of patta land as co-pattadars concerning the south-eastern portion measuring 0.16 acre. After separation, the land of Holy Spirit Catholic Church has been brought under Patta No.639/902 (new) covered by C.S. Dag No.265/1003 and the revenue for the land has been paid from the year 2019. The members of the Church made development works in or around the Church building and a compound wall fencing and gate have also been constructed.

5.4. While so, all of a sudden on 24.12.2020, the Sub Divisional Officer, Porompat issued a notice in connection with Eviction Case No.17 of 2020

purporting to have been taken up under the Manipur Public Premises (Eviction of Unauthorised Occupants) Act, 1978 alleging that the Holy Spirit Catholic Church encroached over the Government land and also directed to show cause the said notice. On 30.12.2020, the petitioner Church submitted a reply narrating all the facts.

5.5. On 4.1.2021, the Commissioner (Revenue) issued allotment orders thereby allotting a piece of land in favour of Chief Engineer (Building) PWD for construction of Government Residential Quarters and the land allotted does not include the land under C.S. Dag No.265/1003 measuring 0.16 acre. On 20.3.2021, the Principal Secretary and Link Secretary (Works)-cum-Estate Officer notified construction of new Government Residential quarters by demolishing the present old structures of Government quarters. The patta land of Holy Spirit Catholic Church is not included in the land allotted to the PWD for construction of multi-stored Government quarters.

5.6. On 18.3.2021, the Survey and Settlement Officer-I submitted a report giving details of unauthorized religious structures. In the said report, the Survey and Settlement Officer furnished wrong information to the Deputy Commissioner stating that the land of Holy Spirit Catholic Church covered by C.S. Dag No.265(P) measuring 0.156 acre is patta land of Chief Engineer (Building) PWD. Having felt suspicious about the acts of the revenue officials, the second petitioner filed an application seeking copy of jamapandi. A certified copy of jamabandi with cancelled name of the pattadar has been issued on

5.4.2021 and the cancellation of the name of Holy Spirit Catholic Church without affording any opportunity of being heard is bad in law.

5.7. According to the petitioners, they have apprehension that the Government will take steps to evict the Holy Spirit Catholic Church from its lawfully acquired land by alleging that the Church is unauthorised occupant of the Government land without affording a chance of being heard. In the happening of such event, the faith of the families who are attending the Holy Spirit Catholic Church will be at jeopardy. The respondents have no power to evict the Holy Spirit Catholic Church from the land without adopting proper course of law. Hence, the petitioners have filed this writ petition.

6. Resisting the writ petition, the first respondent filed affidavit-in-opposition stating that the land covered by C.S. Dag No.265 was recorded as Sarkari Khas in the original Dag Chitha in the year 1960. When the land records were transferred from the office of the Deputy Commissioner, Porompat in the year around 2004/2005 to Directorate of Settlement and Land Records, Manipur for the purpose of re-survey, the names of Victoria Devi and Rajkumari Tamphasana Devi were found recorded as co-pattadars in the jamabandi under Patta No.639(new) covered by C.S. Dag No.265 measuring an area of 8.00 acre of Revenue Village No.26-Wangkheirakpam Leikai without any valid documents. Later on names of Chongtham Bijoy and R.K.Balaram Singh were recorded as co-pattadars vide Mutation Case No.421/AS&SO/IE-II dated 3.11.2018 and 429/AS & SO/IE-II dated 24.11.2018 respectively. However, the

said jamabandi under Patta No.639(new) covered by C.S. Dag No.265 measuring an area of 8.00 acre of Village No.26-Wangkheirakpam Leikai were declared as not genuine for lack of relevant allotment order/documents vide order dated 13.10.2020 passed by As & SO-V, DSLR in Rev. Misc. Case No.19 of 2020 after giving notice dated 6.10.2020 to the concerned pattadars and the names of pattadars were cancelled and corrected as per above order.

6.1. It is stated that the land in question is State land and subsequently included in the land allotted to the Chief Engineer (Building), Public Works Department, Manipur for construction of Government Residential quarters vide order dated 4.1.2021 issued by the Commissioner (Revenue), Government of Manipur. The alleged land owners, Rajkumari Victoria, Rajkumari Tamphasana Devi, Rajkumar Balaram and Chongtham Bijoy from whom the petitioners purchased the land in question have no right and title over the land where Catholic Church was constructed, as the former alleged land owner from whom he purchased the said land has no right and title over the said land.

6.2. It is stated that the sale deed being No.3224 (v) of the Sub-Registrar, Imphal East District had been declared as non-est vide order dated 8.12.2020 by the Deputy Commissioner and the names of the pattadars were cancelled. The petitioners have constructed the Church building and other structures without proper verification as to the right and title of the land owners from whom the Church purchased the land. As such the construction of Church building and other structures is at their own risk. Since the land in question is a

Government land, notice for eviction was served upon the petitioners and others who are encroachers to show cause why they should not vacate the premises. Since the petitioners have no right and title over the land in question, the writ petition is liable to be dismissed.

7. The learned counsel for the petitioners submitted that Holy Spirit Catholic Church was constructed in the year 1990 in C.S. Dag No.265 after getting permission from the land owners Rajakumari Victoria and Rajkumar Tamphasana Devi. The Church had purchased a piece of land measuring 0.16 acre on the south-eastern portion, out of the land under C/R 982 DLR, Patta No.639(new) covered by C.S. Dag No.265 measuring an area of 8.00 acre situate within the Revenue Village No.26-Wangkheirakpam Leikai from the new owners, Rajkumar Balaram and Chongtham Bijoy vide sale deed dated 21.12.2018. The Church has been mutated in the land records and has been brought under Patta No.639/902(new) covered by C.S. Dag No.265/1003 measuring 0.16 acre and separate jamabandi was also issued in the name of the Church. While so, the SDO, Porompat issued a notice dated 24.12.2020 in connection with Eviction Case No.17 of 2020 purporting to have been taken up under the Manipur Public Premises (Eviction of Unauthorised Occupants) Act, 1978 alleging that the petitioners have encroached over the Government land.

8. The learned counsel for the petitioners would submit that though the Commissioner (Revenue), Government of Manipur issued allotment order thereby allotting a piece of land in favour of the Chief Engineer (Building), PWD

for construction of Government Residential Quarters, the area of land allotted does not include the land under C.S. Dag No.265/1003 measuring 0.16 acre i.e. the land of Holy Spirit Catholic Church and the said land measuring 0.16 acre have distinct identity. While so, the Survey and Settlement Officer, DSLR, Manipur, submitted a report dated 18.3.2021 to the Deputy Commissioner, Imphal East stating that the land of Holy Spirit Catholic Church covered under C.S. Dag No.265(P) measuring 0.156 acre is a patta land of Chief Engineer (Building). Having felt suspicious about the acts of the revenue officials, the second petitioner filed an application for certified copy of the jamabandi and in the certified copy of jamabandi, the petitioners found cancellation of the name of Holy Spirit Catholic Church without affording any opportunity to the petitioners. Since the acts of the respondents amount to violation of the right of Church guaranteed by Articles 14, 19, 21, 25 and 26 of the Constitution and the petitioners have strong apprehension that Government will take steps to evict Holy Spirit Catholic Church from its lawfully acquired land by alleging that the Church is unauthorized occupant of Government land, the petitioners have approached this Court not to evict the Church from the land in question. Such a prayer can be allowed in the interest of worshippers of the Church.

9. On the other hand, the learned Government Advocate appearing for the respondents submitted that the preparation of jamabandi under Patta No.639(new) covered by C.S. Dag No.265 measuring an area of 8.00 acre of Village No.26-Wangkheirakpam Leikai was declared as not genuine for lack of

relevant documents vide order dated 13.10.2020 passed by the AS & SO-V, DSLR in Rev. Misc. Case No.19 of 2020 after giving notice dated 6.10.2020 to the concerned pattadars and the names of the pattadars were cancelled and corrected. Resultantly, the sale deed dated 20.12.2018 referred to by the petitioners was also declared as non-est vide order dated 8.12.2020 by the Deputy Commissioner. Since the name of the pattadars was cancelled and the sale deed stood in the name of the Church was declared as non-est and also the land in question was included in the allotment of the land to the Chief Engineer (Building) PWD for construction of Government Residential Quarters, the Church in question has no right over the same and, therefore, the respondent authorities are right in initiating eviction proceedings against the Church. Thus, a prayer has been made to dismiss the writ petition and to vacate the interim order granted in the writ petition.

10. This Court considered the rival submissions and also perused the materials available on record.

11. It is the plea of the petitioners that Holy Spirit Catholic Church was constructed in year 1990 after getting permission from the land owners namely Rajkumari Victoria and Rajkumar Tamphasana Devi. The further plea of the petitioners is that, on 20.12.2018, Holy Spirit Catholic Church had purchased a piece of land measuring 0.16 acres on the south-eastern portion out of the land under C/R 982 DLR, Patta No.639(new) covered under C.S. Dag No.265 situate within the Revenue Village No.26-Wangkheirakpam Leikai, Porompat

Sub Division from its new owners, Rajkumar Balaram and Chongtham Bijoy. It is also the plea of the petitioners that separate jamabandi was issued in the name of Holy Spirit Catholic Church for the piece of land under C.S. Dag No.639/902 in Patta No.265/1003 measuring an extent of 0.16 acres. Therefore, the initiation of action against Holy Spirit Catholic Church alleging that it has been constructed on a Government land is totally against the law and, therefore, Holy Spirit Catholic Church should not be evicted from the land in question.

12. On the contrary, the respondent State contended that the land in question is a Government land and the petitioners or even their alleged vendors have no right over the same. Further, the names of pattadars found in the revenue records were declared as not genuine thereby the names of pattadars were cancelled and corrected in the revenue records vide order dated 13.10.2020 passed in Rev. Misc. Case No.19 of 2020 after notice to the pattadars. Since the land in question is a Government land, the same was allotted to the Chief Engineer (Building), PWD for construction of Government Residential Quarters.

13. As could be seen from the records, on 6.10.2020, the Assistant Survey and Settlement Officer-V issued a notice to (1) R.K.Gopalsana; (2) Victoria; (3) R.K.Tamphasama Devi; (4) R.K.Balaram Singh; (5) Ch. Bijoy Singh; (6) Philem bankimSingh; (7) Karam (N) Yumnam (O) Ibempishak Devi; (8) Sawwithangee and (9) Holy Spirit Catholic Church calling upon them to

furnish relevant documents in connection with C.S. Dag No.265 and its corresponding C.S. Dag No.265/988, 265/694/697, 265/694 and 265/1003 of Revenue Village No.26-Wangkheirakpam Leikai on or before 12.10.2020. The said notice was responded by the aforesaid persons and after hearing them, the Assistant Survey and Settlement Office-V has passed an order dated 13.10.2020 in Revenue Misc. Case No.19 of 2020. The order dated 13.10.2020 reads thus:

“Take note of the AS&SO-V letter No.700/85/AS & SO-V/Misc/019/DSLIR dtd 03.10.2020 this court registered the Revenue Misc Case No.19 of 2020 for the purpose of re-verification of the land records relating to Re-verification of lad records relating to the land covered by C.S. Dag N.265 and its corresponding C.S. Dag No.265/988, 265/694/697, 265/694 and 265/1003 of revenue village No.26/Wangkheirakpam Leikai, Imphal East, Porompat Tehsil, Manipur.

Notice dated 06.10.2020 was served upon R.K.Gopalsana s/o Gopeshwor Singh of Rajbari, Smt.Victoria w/o Sanayaima of Rajbari, R.K.Balaram Singh s/o RK Victoria of Rajbari, Ch. Bijoy Singh s/o R.K.Tamphasana of Rajbari, Philem bankim Singh s/o (L) Imosana Singh of Moirang Philem Leikai, Karam (N) Yumbam (O) Ibempishak Devi d/o (L) Manmohan Singh of Uripok, Sawmwithangee w/o T.Vaiphei of New Checkon and Holly Spirit Catholic Church, new Checkon directing them to submit any relevant document in connection with the aforementioned land as the court found them connected with the land.

Of the 9(nine) persons, R.K.Balaram Singh s/o RK Victoria of Rajbari and Ch. Bijoy Singh s/o R.K.Tamphasana only submitted Jamabandi copies of plot of land (Ingkhol) covered by (i) C.S. Dag No.265 having an area of 8.00 acre under patta No.639 (new) Village No.26-Wangkheriakpam Leikal, Porompat, Imphal rcored in the name of R.K.Balaram Singh s/o RK Victoria of Rajbari and Ch. Bijoy Singh s/o R.K.Tamphasana, (ii) C.S. Dag No.265/694/697 having an area of 0.16 acre under patta No.637/638(new) Village No.26-Wangkheriakpam Leikai, Porompat, Imphal recorded in the name of R.K.Tamphasana Devi w/o RK Sanayaima Singh of Rajbari and (iii) C.S. Dag No.265/694 having an area of 0.08 acre under patta No.637(new) Village No.26-Wangkheriakpam Leikai, Porompat, Imphal recorded in the name of R.K.Gopalsana s/o Gopeshwor Singh of Rajbari and Smt.Victoria w/o Sanayaima of Rajbari along with copy of the Manipur State Council Resolution No.42 dated 12-10-1949.

On the other hand Sawnwithangee w/o T.Vaiphei of New Checkon submitted a copy of Jamabandi for the land covered by C.S. Dag No.265/988 an area of 0.16 acre patta No.885 Village No.26-Wangkheriakpam Leikai, Porompat, Imphal East along with allotment Order N.21/74/73-R dated 27.08.1974 relating allotment of land covered by C.S. Dag No.265 measuring an area of 0.16 acre under Village No.26-Wangkheriakpam Leikai along with other related documents.

This court noted that excepting in the case of Sawnwithangee w/o T.Vaiphei of New Checkon, there is no allotment order in respect of other persons. Hence the Jamabndi/Patta under (1) C.S. Dg No.265 having an area of 8.00 acre under Patta No.639(new) Village No.26-Wangkheriakpam Leikai, Porompat, Imphal recorded in the name of Smt. Victoria w/o Sanayaima of Rajabari, R.K.Tamphasana Devi d/o

Ketukisana of Rajbari, (ii) C.S. Dag No.265/694/697 having an area of 0.16 acre under patta NO.637/638(new) Village No.26-Wangkheriakpam Leikai, Porompat, Imphal recorded in the name of R.K.Tamphasana Devi w/o RK Sanayaima Singh of Rajbari and (iii) C.S. Dag No.265/1003 Patta No.369/902 recorded in the name of Holly Spirit Catholic Church, New Checkon and (iv) C.S. Dag No.265/694 having an area of 0.08 acre under patta No.637(new) Village No.26-Wangkheriakpam Leikai, Porompat, Imphal recorded in the name of R.K.gopalsana s/o Gopeshwor Singh of Rabari and Smt. Victoria w/o Sanayaima of Rajbari are declared as not genuine.

14. Admitted, the aforesaid order dated 13.10.2020 passed by the Assistant Survey and Settlement Officer has not been challenged by the petitioners. That apart, a reading of the aforesaid order would clearly indicate that the Holy Spirit Catholic Church has failed to prove and/or establish their right over the land in question.

15. On a perusal of the materials available on record, it is clear that on 8.12.2020, the Deputy Commissioner/Registrar, Imphal East District passed an order declaring the sale deed in favour of Holy Spirit Catholic Church bearing registration No.3224(V) dated 20-12-2018 is null and void and on 23.11.2020, the Assistant Survey and Settlement Officer-V, Manipur has requested the Deputy Commissioner/District Registrar, Imphal East for cancellation of the sale deed executed between Rajkumar Balaram; Chongtham Bijoy and Holy Spirit Catholic Church, Tribal Colony, New Checko vide sale deed bearing No.3224(V) dated 20.12.2018 of SR Porompat as the corresponding patta was

cancelled ad declared not genuine in order to avoid any legal complexity and confusion in future.

16. Thus, the aforesaid narrated factual facts clearly prove that Holy Spirit Catholic Church in question or its representative has no right over the land in question and in fact, the Holy Spirit Catholic Church had purchased piece of land measuring an extent of 0.16 acre in C.S. Dag 265 out of 8.00 acre from persons having no right and title over the same. Based on the cancelled sale deed and cancelled jamabandi, now the Holy Spirit Catholic Church cannot claim right over the land in which Holy Spirit Catholic Church now stand. Therefore, it is clear that the Holy Spirit Catholic Church and its other structures are standing in the Government land which was allotted by the Government of Manipur to the Chief Engineer (Building), PWD for construction of Government Residential Quarters. Therefore, there is no hurdle in saying that Holy Spirit Catholic Church was constructed unauthorisedly in the Government land way back in the year 1990 that too without the approval from the State authorities.

17. At this juncture, it is pertinent to mention that with regard to the removal of unauthorized religious structures in public streets, public parks, public places etc., the Hon'ble Supreme Court in the case of Union of India v. State of Gujarat and others (arising out of the order dated 2.5.2006 passed by the Gujarat High Court in SCA No.9686 of 2006) in Special Leave to Appeal (Civil) No.8519 of 2006 dated 29.9.2009 passed the following orders:

“..... As an interim measure, we direct henceforth no unauthorized construction shall be carried out or permitted in the name of Temple, Church, Mosque or Gurudwara etc. on public streets, public parks or other public places etc.

In respect of the unauthorized construction of religious nature which has already taken place, the State Governments and the Union Territories shall review the same on case to case basis and take appropriate steps as expeditiously as possible.”

18. Again on 7.12.2009, when the Special Leave to Appeal (Civil) No.8519 of 2006 came up for hearing, the Hon’ble Supreme passed the following order:

“All the Chief Secretaries, in consultation with the respective Governments are directed to frame the policy in respect of existing unauthorized construction of religious nature, which had already taken place. This Court directed the respondents to review the same on case to case base. Let the policies be formulated by all the States and Union Territories within four weeks from today.

We are reiterating that the Chief Secretaries, the concerned District Magistrates and the Collectors/Deputy Commissioners in-charge of the Districts must ensure total compliance of our order. Any breach in this respect shall be viewed seriously by this Court.”

19. It appears that in compliance of the order of the Hon’ble Supreme Court, the Government of Manipur framed a policy and published vide notification dated 3.4.2010 and had also constituted State Level Committee for reviewing the unauthorized construction of religious nature and the District

Committees headed by District Commissioner/Chairperson were constituted for the purpose of removal/relocation/regularization of the religious structure. Accordingly, the District Level Committee where the religious structures located in Village No.26-Wangkheirakpam Leikai discussed existence of nine religious structures on the land allotted to the PWD Building Division, Government of Manipur. Out of 9 religious structures located at Government Quarters Complex in New Checkon, 5 were removed and 4 are still standing on the Dag Nos.410, 411, 412(P), 265, 267(P) and 265(P). As stated supra, Holy Spirit Catholic Church is one of the Church facing eviction proceedings.

20. Since the action for removal of the Church in question is based on the decision taken by the State Cabinet pursuant to the direction of the Hon'ble Supreme Court dated 29.9.2009, this Court exercising writ jurisdiction under Article 226 of the Constitution of India cannot issue direction on the respondent authorities not to evict Holy Spirit Catholic Church standing in the Government land. That apart, as stated supra, Holy Spirit Catholic Church was built unauthorisedly on the Government land which was meant for construction Government quarters.

21. At this juncture, the learned counsel appearing for the petitioners submitted that since Holy Spirit Catholic Church is functioning with full spirit by attending the worshipers for prayers, they may be given 15 days' time to vacate the Church and hand over vacant possession of the property. The learned

Government Advocate is also agreeable for grant of 15 days' time to the petitioners for vacating Holy Spirit Catholic Church.

22. Since the petitioners have not made out a case for interference with the eviction proceedings initiated by the respondent authorities and the respondent authorities proved that the Holy Spirit Catholic Church stand on the Government land and had been constructed without approval from the State authorities, there is no bona fide in the present writ petition.

23. Accordingly, the writ petition is dismissed. In view of the dismissal of the writ petition, MC (WP) No.90 of 2023 is allowed and the order of status quo dated 4.10.2021 granted by this Court in the writ petition stands vacated. As agreed, the petitioners are directed to vacate and hand over vacant possession of the property in question within a period of ten days' from today, i.e. on or before 10.04.2023. No costs.

ACTING CHIEF JUSTICE

FR/NFR

John Kom