

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

RP.No. 919 of 2015 (T)

AGAINST THE JUDGMENT IN WP(C).NO. 27358/2015 DATED 10-09-2015

PETITIONERS/RESPONDENTS 6 TO 29 :

1. **FR. GEEVARGHESE CHENGANATTUKUZH
CHENGANATTUKUZHIL HOUSE, MANEED POST.**
2. **K.V. POULOSE,
KEENELIL HOUSE, MEEMPARA POST,
PUTHENCROUZ 682 308.**
3. **V.P. VARGHESE,
VELLACHALIL HOUSE, ATHANI,
THIRUVANIYOOR POST, PUTHENCROUZ.**
4. **PATHROSE
MATHILOTTIL HOUSE, ATHANI, -DO- -DO-**
5. **REJI
MALAYIL PUTHENPURAYIL(KOTHAMATTATHIL HOUSE)
NADUKKURISU -DO- -DO-**
6. **SCARIA K.C.,
KEEDATHIL HOUSE, MONIPPILLY, PUTHENCROUZ POST**
7. **K.V. THOMAS
KADAMMANATTU HOUSE,
MEEMPARA POST, PUTHENCROUZ.**
8. **K.V CHERIYAN
KADAMMANATTU HOUSE, -DO- -DO-**
9. **GEORGE K.P.,
KADAMMANATTU HOUSE, KODAKUTHI,
MEEMPARA POST, PUTHENCROUZ - 682 308.**
10. **KURIAKOSE C.Y.,
MALAYIL, CHAMAKKALAYIL HOUSE,
KODAKUTHI, MEEMPARA POST
PUTHENCROUZ - 682 308.**

11. SCARIA P.M.,
PADINJARE VEETTUVELIL, KURINJI -DO- -DO-
12. MATHEW K.P.,
KALAPPURAYIL, KURINJI, MEEMPARA POST
-DO- -DO-
13. M.K. PAUL
MADAPPATTU HOUSE, KURINJI, -DO- -DO-
14. JOY V.M.,
VANDANATH, VADAYAMPADY POST, -DO- -DO-
15. JOY A.P.,
ARAKKAL HOUSE, ATHANI,
THIRUVANIYOOR POST
-DO- -DO-
16. JOY P.O.,
PAPPARIL HOUSE, VARIKKOLY POST, -DO- -DO-
17. BAIJU P. JOHN
PADINJAREVETTUVELIL HOUSE, KURINJI, -DO- -DO-
18. GIJO GEORGE,
KALLETHIRAYIL, VENKIDA,
BHAKTHANANDAPURAM POST
-DO- -DO-
19. ELDHO VARGHESE,
VANDANATH HOUSE, MEEMPARA POST, -DO- -DO-
20. SLEEBA JOY,
PADINJARE VEETUVELIL, KURINJI, -DO- -DO-
21. ANTO ALEX,
MANNULLIL, ATHANI, THIRUVANIYOOR POST
-DO- -DO-
22. SAJU K.Y.,
KOTHAMATTATHIL HOUSE, MANAMTHADAM
PUTHENCRUZ - 682 308.
23. BIJU CHACKO,
VADASSERIL, VENKIDA, BHAKTHANANDAPURAM POST
PUTHENCRUZ - 682 308.
24. ELDHOSE,
MALAYIL PUTHENPURAYIL HOUSE, NADUKKURUSU,
THIRUVANIYOOR POST, PUTHENCRUZ 682 308.

BY SENIOR ADVOCATE SRI.N.SUKUMARAN
BY ADVS.SRI.S.SHYAM
SRI.SAJI VARGHESE KAKKATTUMATTATHIL

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 5 IN WP(C) :

1. DR. JACOB JOHN
TRUSTEE, ST.PAULS & ST. PAULS JACOBITE SYRIAN CHURCH
KURINJI, MEEMPARA P.O., RESIDING AT AKAMPILLIL HOUSE
MEEMPARA POST, PUTHENCROUZ - 682 308.
2. THOMAS K. GEORGE,
TRUSTEE, ST.PAULS & ST. PAULS JACOBITE SYRIAN CHURCH
KURINJI, MEEMPARA P.O., RESIDING AT KALAPPURACKAL HOUSE
VADAYAMPADI P.O., PUTHENCROUZ - 682 308.
3. THE DISTRICT POLICE CHIEF
ERNAKULAM RURAL, ALUVA - 682 006.
4. THE DEPUTY SUPERINTENDENT OF POLICE,
MUVATTUPUZHA, ERNAKULAM DISTRICT - 682 008.
5. CIRCLE INSPECTOR OF POLICE,
PUTHENCROUZ - 682 308.
6. SUB INSPECTOR OF POLICE,
PUTHENCROUZ - 682 308.
7. ST.PAULS & ST. PAULS JACOBITE SYRIAN CHURCH,
KURINJI, MEEMPARA P.O.,
REPRESENTED BY ITS VICAR REV. FR. C.K JOHN COR-EPISCOPA
CHIRAKKADAKUNNEL, KIZHIIMURI P.O.,
RAMAMANGALAM, PIN - 686 663.

R1 & R2 BY ADV. SRI.T.K.VIPINDAS
R3 TO R6 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 04-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE A1 : COPY OF THE UDAMPADY OF ST. PETER'S AND ST. PAUL'S JACOBITE SYRIAN CHURCH, KURINJI.**
- ANNEXURE A1(a) TRUE ENGLISH TRANSLATION OF ANNEXURE A1.**
- ANNEXURE A2 COPY OF THE NOTICE DATED 21.9.2015 ISSUED TO THE 11TH RESPONDENT.**
- ANNEXURE A3 COPY OF THE JUDGMENT DATED 10.10.2014 IN WP(C) NO. 26234 OF 2014 OF THE HONOURABLE HIGH COURT OF KERALA.**
- ANNEXURE A4 COPY OF THE ORDER DATED 16.1.2015 IN IA NO. 15911 OF 2014 IN WP(C) NO. 26234 OF 2014 OF THE HON'BLE HIGH COURT OF KERALA.**

RESPONDENT'S ANNEXURES :

- ANNEXURE R1(a) : COPY OF THE FIR IN CRIME NO. 1062/2015 OF PUTHENCRUZ POLICE STATION AND ITS TRANSLATION.**
- ANNEXURE R1(b) COPY OF THE FIR IN CRIME NO. 1062/2015 OF PUTHENCRUZ POLICE STATION AND ITS TRANSLATION.**
- ANNEXURE R1(c) COPY OF THE LETTER DATED 14-9-2015 ISSUED BY THESE RESPONDENTS TO THE DISTRICT POLICE CHIEF, ERNAKULAM.**
- ANNEXURE R1(d) COPY OF THE ORDER OF THE HONOURABLE SUPREME COURT IN SLP NO. 28484/2015 DATED 2-11-2015.**

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

**R.P. No.919 of 2015
in
W.P.(C) No.27358 of 2015**

Dated this the 4th day of December 2015

O R D E R

Shaffique, J.

This review petition has been filed seeking to review the judgment dated 10.9.2015, by which, this Court had directed to ensure maintenance of law and order in the matter relating to conduct of prayers by the petitioners' trust.

2. Sri.N.Sukumaran, the learned Senior Counsel appearing for the review petitioners submits that earlier also the writ petitioners had approached this Court, in which, direction had been given to the official respondents as per judgment dated 10.10.2014 in W.P.(C) No.26234 of 2014, which was later clarified as per order dated 16.1.2015, indicating that the judgment should not be utilised to interfere or to permit interference in the services in the church

concerned, where the mass was being conducted in weekly turns.

3. Counter affidavit has been filed by the writ petitioners to the review petition. Along with the same, copy of the order of the Supreme Court in SLP No.28484 of 2015 dated 2.11.2015 has been produced as Ext.R1(d). The following order had been passed by the Supreme Court therein :-

“The judgment and order of the High Court is stayed. In addition, we make it clear that status quo will be maintained that to say that on every alternate Sunday, the other party will conduct the prayer and the existing trustees will continue.”

4. Learned counsel for the writ petitioners submits that in view of the fact that directions had been issued by the Supreme Court, parties are bound to comply with the said direction and therefore, the apprehension expressed by the learned counsel for the review petitioners is unfounded.

5. Since the Supreme Court is seized of the matter and appropriate directions had been issued, we do not think that the apprehension expressed by the review petitioners can have any basis. Hence, we do not think that the judgment requires

R.P. No.919 of 2015 in
W.P.(C) No.27358 of 2015

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to be reviewed. In the judgment, we have only directed the police to ensure maintenance of law and order.

This review petition is hence, closed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//True copy//

P.A. To Judge

Jvt/5.12.2015.