

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

WP(C).No. 21484 of 2015 (I)

PETITIONER:

THE SOUTH KERALA DIOCESE (SIUC),
REPRESENTED BY ITS SECRETARY D LAWRENCE, LMS COMPOUND,
PALAYAM, THIRUVANANTHAPURAM 695 033.

BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.K.R.RIJA

RESPONDENTS:

1. THE COMMISSIONER OF POLICE, THIRUVANANTHAPURAM-695 001.
2. THE CIRCLE INSPECTOR OF POLICE, MUSEUM PS,
THIRUVANANTHAPURAM-695 001.
3. THE SUB INSPECTOR OF POLICE, MUSEUM PS,
THIRUVANANTHAPURAM-695 001.
4. SUKU JACOB, THEJUS, IDUKKAM, KARIPRAKONAM,
PERUMPAZHUTHOOR PO, THIRUVANANTHAPURAM-695 123.
5. STANLY, LOVELA HOUSE, MANALI, MANALI PO,
THIRUVANANTHAPURAM-695 505.
6. SHAJI, ASHIN COTTAGE, THALAMANNOOR, MARAYAMUTTOM PO,
THIRUVANANTHAPURAM-695 001.
7. J WIJFREDRAJ, MERCY BHAVAN, NEYYARDAM PO,
THIRUVANANTHAPURAM-695 572.
8. SHINE SINGH, AITHIYOOR, BALARAMAPURAM PO,
THIRUVANANTHAPURAM-695 001.
9. VICTOR SAMUEL, DR NIVAS, NEDIYAMCODE,
THIRUVANANTHAPURAM-695 503.
10. SAJINLAL SP, S/O SUKUMARAN, PADMAVILASAM, ATHIYANNUR,
ARALUMOOD PO, NEYYATTINKARA,
THIRUVANANTHAPURAM-695 121.

11. DEVAPRASAD S/O PAULIAH GABRIEL, JYOTHIS, ANCHALIKONAM, NEYYATTINKARA, THIRUVANANTHAPURAM-695 121.
12. D. CHRISTUDAS, GOOD HOPE, RC STREET, NEYYATTINKARA, THIRUVANANTHAPURAM-695 121.
13. S.TITUS S/O SIMPSON, SS BHAVAN, NAKKODE, PERUMBAZHUTHOOR PO, NEYYATTINKARA, THIRUVANANTHAPURAM-695 121.
14. SONU SS,S/O SATHYABROWLSEN, DORE HOUSE, MUTTACUD,PERUMBAZHITHOOR PO,NEYYATTINKARA, THIRUVANANTHAPURAM-695 121.
15. SURESH KUMAR ST, AGED 34 YEARS, S/O ALEX, SRINIVAS,MONNAMOODU, VATTIYOORKAVU, THIRUVANANTHAPURAM-695 001.
16. N K PRAKASHKUMAR,ARAMAM, ARALUMOODU, THIRUVANANTHAPURAM-695 001.
17. SUBIN JACOB, RUTH COTTAGE, BLRA 127, HOSPITAL JN, NEYYATTINKARA, THIRUVANANTHAPURAM-695 121.
18. J C JAPA SINGH,JAPA VILAS, MANGAD, THIRUMALA PO, THIRUVANANTHAPURAM-695 001.
19. J S JEEN JACKSON,CARMMEI, NEDUMKUZHI, VILAPPILSALA,THIRUVANANTHAPURAM-695 001.
20. T SURESH,SNEHA VARSHAM,NELLIVILA, ANCHUTHENGUMOODU, KATTAKADA PO, THIRUVANANTHAPURAM-695 001.
21. S R BIJU,"BLESSING", EZHAKKODU,PERUKAV PO, THIRUVANANTHAPURAM- 695 001.
22. G K SUNIL, JASS VILLA, LMS COMPOUND, KANNAMOOLA, MCPO, THIRUVANANTHAPURAM-695 001.
23. N ROY, JAYAVILASOM, MANVILA, UNDA PARA, KONNIYOOR,POOVACHAL PO, THIRUVANANTHAPURAM-695 001.
24. Y SANTHOSH KUMAR, NERANJAM, CHENKAVILA,LIRA PO, PRASSALA, THIRUVANANTHAPURAM-695 001.
25. ROSE BIST, ROSE NIVAS, PODUVAL, PULLUVILA PO, THIRUVANANTHAPURAM-695 001.

R1 TO R3 BY SR.GOVERNMENT PLEADER, SRI.C.R. SYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT .P1 : TRUE COPY OF THE ORDER DATED 25.06.2015 IN I.A. No.4222/2015
IN OS NO.1337/2013.

EXT .P2 : TRUE COPY OF THE ORDER DATED 25.0-6.2015 IN I.A. No.4713/2015
IN OS NO.1163/2015.

EXT .P3 : TRUE COPY OF THE NOTICE DATED NIL

EXT .P3(A) : TRUE COPY OF THE TRANSLATION OF EXT .P3.

EXT .P4 : TRUE COPY OF THE NOTICE DATED NIL.

EXT .P4(A) : TRUE COPY OF THE RANSLATION OF EXT .P4.

EXT .P5 : TRUE COPY OF THE COMPLAINT DATED 14.07.2015.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE.

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

W.P.(C) No. 21484 OF 2015

Dated this the 16th day of July, 2015

JUDGMENT

Shaffique, J.

The petitioner has approached this Court seeking for police protection *inter alia* contending that respondents 4 to 25 and their men are trying to disrupt the functioning of the Diocese and also creating law and order problem in front of the Bishop's House at LMS Compound, Palayam, Thiruvananthapuram.

2. It is stated that initially there were certain disputes relating to the management of the Diocese. Several suits were filed by the opposite faction including the private respondents and the said suits were dismissed by respective courts. Still, they are trying to impose on the Diocese their right to interfere with the management and for that purpose they have issued pamphlets stating that they are intending to conduct demonstration and agitation in front of the Bishop's House on 17.07.2015. The petitioner apprehends that the

crowd may become uncontrolled and may create law and order situation. The petitioner had also submitted Ext.P5 complaint to the Commissioner of Police and since petitioner apprehends that unless a direction is issued by this Court, no action will be taken by the Police.

3. Learned Government Pleader on instructions would submit that there is factional issue between the members of the Diocese and that was enquired by Police. It is understood that a conciliation meeting is to be held today between the rival factions. The opposite faction has also threatened that they will conduct agitation in the matter, if the conciliation meeting did not yield any result.

4. Having regard to the aforesaid factual issues and the nature of order we intend to pass, notice is not being issued to respondent Nos. 4 to 25.

5. Since the petitioner apprehends that there will be agitation and demonstration in front of the Bishop's House, which may lead to law and order situation, we only direct the Police to ensure maintenance of law and order, if there is any agitation or

demonstration by any of the groups as alleged by the petitioner.

Police shall ensure free ingress and egress to the Bishop's House.

With the above observation, the Writ Petition is closed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**