

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 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 27358 of 2015 (T)

PETITIONER(S):

- 1. DR.JACOB JOHN, AGED 66 YEARS,
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, AGED 48 YEARS,
TRUSTEE, ST. PAULS & ST. PAULS JACOBITE
SYRIAN CHURCH, KURINJI, MEEMPARA P.O.,
RESIDING AT KALAPPURACKAL HOUSE,
VADAYAMPADI P.O, PUTHENCROUZ-682 308.**

BY ADV. SRI.T.K.VIPINDAS.

RESPONDENT(S):

- 1. THE DISTRICT POLICE CHIEF,
ERNAKULAM RURAL, ALUVA-682 308.**
- 2. THE DEPUTY SUPERINTENDENT OF POLICE,
MUVATTUPUZHA, ERNAKULAM DISTRICT-682 308.**
- 3. CIRCLE INSPECTOR OF POLICE,
PUTHENCROUZ-682 308.**
- 4. SUB INSPECTOR OF POLICE, PUTHENCROUZ-682 308.**
- 5. ST. PAULS & ST. PAULS JACOBITE SYRIAN CHURCH,
KURINJI, MEEMPARA P.O., REPRESENTED BY ITS
VICAR REV. FR.C.K.JOHN COREPISCOPA,
CHIRAKKADAKUNNEL, KIZHIMURIP.O.,
RAMAMANGALAM, PIN-686 663.**

6. FR. GEEVARGHESE CHENGANATTUKUZH, CHENGANATTUKUZHIL HOUSE, MANEED POST-686 663.
7. MR.K.V. PAULOSE, KEENELIL HOUSE, MEEMPARA POST, PUTHENCROUZ-682 308.
8. V.P.VARGHESE, VELLACHALIL HOUSE, ATHANI, THIRUVANIYOOR POST, PUTHENCROUZ-682 308.
9. PATHROSE, MATHILOTTIL HOUSE, ATHANI, THIRUVANIYOOR POST, PUTHENCROUZ-682 308.
10. REJI, MALAYIL PUTHENPURAYIL (KOTHAMATTATHIL) HOUSE, NADUKKURISU, THIRUVANIYOOR POST, PUTHENCROUZ, PIN-682 308.
11. SCARIA K.C., KEEDATHIL HOUSE, MONIPPILLY, PUTHENCROUZ-682 308.
12. K.V. THOMAS, KADAMMANATTU HOUSE, MEEMPARA POST, PUTHENCROUZ-682 308.
13. K.V. CHERIYAN, KADAMMANATTU HOUSE, MEEMPARA, PUTHENCROUZ-682 308.
14. GEORGE K.P., KADAMMANATTU HOUSE, KODAKUTHI, MEEMPARA, PUTHENCROUZ-682 308.
15. KURIAKKOSE. C.Y., MALAYIL CHAMAKKALAYIL HOUSE, KODAKUTHI, MEEMPARA, PUTHENCROUZ-682 308.
16. SCARIA P.M., PADINJARE VETTUVELIL, KURINJI, PUTHENCROUZ-682 308.
17. MATHEW K.P., KALAPPURAYIL, KURINJI, MEEMPARA POST, PUTHENCROUZ-682 308.
18. M.K. PAUL MADAPPATTU HOUSE, KURINJI, MEEMPARA POST, PUTHENCROUZ-682 308.
19. JOY V.M. VANDANATH, VADAYAMPADY POST, PUTHENCROUZ-682 308.
20. JOY A.P., ARAKKAL HOUSE, ATHANI, THIRUVANIYOOR POST, PUTHENCROUZ-682 308.

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- 21. JOY P.O., PAPPARIL HOUSE,
VARIKKOLY POST, PUTHENCROUZ-682 308.**
- 22. BAIJU PJOHN, PADINJARE VETTUVELIL,
KURINJI, MEEMPARA POST, PUTHENCROUZ-682 308.**
- 23. GIJO GEORGE, KALLETHIRIYIL,
VENKIDA, BHAKTHANANDAPURAM POST,
PUTHENCROUZ-682 308.**
- 24. ELDHO VARGHESE, VANDANATH HOUSE,
MEEMPARA POST, PUTHENCROUZ-682 308.**
- 25. SLEEBA JOY, PADINJARE VETTUVELIL,
KURINJI, MEEMPARA POST, PUTHENCROUZ-682 308.**
- 26. ANTO ALEX, MANNULLIL, ATHANI,
THIRUVANIYOOR POST, PUTHENCROUZ-682 308.**
- 27. SAJU K.Y., KOTHAMATTATHIL HOUSE,
MANAMTHADAM, PUTHENCROUZ-682 308.**
- 28. BIJU CHACKO, VADASSERIL, VENKIDA,
BHAKTHANANDAPURAM POST, PUTHENCROUZ-682 308.**
- 29. ELDHOSE, MALAYIL PUTHENPURAYIL HOUSE,
NADUKKURISU, THIRUVANIYOOR POST,
PUTHENCROUZ-682 308.**

R1 TO R4 BY SRI.P. VIJAYARAGHAVAN, STATE ATTORNEY.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE ORDER IN I.A.1552/2013 DATED 28/11/2013.
- EXT.P2 COPY OF THE ORDER IN SLP(CIVIL) 7008-7009/2014 DATED 07/03/2014
BEFORE THE SUPREME COURT.
- EXT.P3 COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 28/07/2015
IN RFA.501/2011.
- EXT.P4 COPY OF THE REPRESENTATION DATED 03/09/2015 SEEKING
POLICE PROTECTION SUBMITTED BEFORE THE 3RD RESPONDENT.
- EXT.P5 COPY OF THE ACKNOWLEDGMENT DATED 04/09/2015.
- EXT.P6 COPY OF THE ACKNOWLEDGMENT OF ISSUED BY 1ST RESPONDENT
DATED 04/09/2015.

RESPONDENT'S EXHIBITS:- **NIL.**

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P.S. TO JUDGE

rs.

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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Dated this, the 10th day of September, 2015

J U D G M E N T

Shaffique, J.

Petitioners have approached this Court seeking for police protection. It is stated that they are duly elected trustees in an election conducted through an Advocate Commissioner appointed by the Court. Petitioner points out that certain dissident members of the organization, who were not satisfied with the judgment of the Court, has attempted to create law and order situation and though complaints had been filed on several occasions, police has not taken appropriate action in the matter. Petitioners' apprehend that there will be obstruction in the conduct of Sunday prayers and the functioning of the office and if the police does not render necessary protection, the functioning of the trust will be jeopardized.

2. Learned Government Pleader on instructions would submit that based on the complaints given by the petitioners with

-:2:-

reference to an incident occurred on 30/8/2015, necessary enquiry had been conducted and it was found that no such incident had occurred. With reference to the alleged incident on 3/9/2015, investigation is going on. It is however stated that, as matters stand now, there is no law and order situation reported and therefore the apprehension expressed is totally unfounded.

3. Learned counsel for the petitioners would however submit that certain resident groups may prevent the prayers to be conducted by the priests engaged by the petitioners during Sundays. We only observe that if any law and order situation arises at the time of conducting prayers or functioning of the petitioners' trust, on the request of the petitioners, the 1st respondent shall look into the matter and do the needful.

Writ petition is closed with the above observation.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

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PS to Judge