

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WP(C).No. 30147 of 2015 (P)

PETITIONER(S):

**THE CHURCH OF SOUTH INDIA (CSI) TRUST ASSOCIATION,
A CORPORATION REGISTERED UNDER THE INDIAN COMPANIES ACT,
HAVING REGISTERED OFFICE AT NO.5, WHITES ROAD,
ROYAPETTAH, CHENNAI-600 014,
REPRESENTED BY ITS AUTHORIZED POWER OF
ATTORNEY HOLDER REV. DR.SABU K.CHERIAN,
S/O.LATE M.K. CHERIAN, AGED 54 YEARS,
DIOCESEAN TREASURE, CSI MADHYA KERALA DIOCESE,
CATHEDRAL ROAD, KOTTAYAM-680 001,
REP. BY REV.THOMAS K.OOMMEN, BISHOP, OF DO. DO.**

**BY ADVS.SRI.AYYAPPAN SANKAR,
SRI.JAYAN JOHN.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 3. EXECUTIVE ENGINEER,
OFFICE OF THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, BUILDINGS SUB DIVISION,
ALAPPUZHA-688 001.**
- 4. NATIONAL CADET CORPS DIRECTORATE (STATE WING),
KERALA LAND LAKSHADWEEP, COTTON HILL BUNGLOW,
THIRUVANANTHAPURAM-695 010.
REPRESENTED BY THE DIRECTOR, N.C.C.**

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**5. COMMANDING OFFICER, N.C.C,
11 KERALA BATTALION N.C.C., MISSION BUNGLOW,
ALAPPUZHA-688 012.**

**R1 TO R3 BY GOVT. PLEADER SMT.C.K. SHERIN.
R4 & R5 BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.
ADV. SRI.MANU.S, CGC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1- TRUE PHOTOCOPY OF THE COMMUNICATION DATED 27.09.1979 FROM 5TH RESPONDENT TO THE 3RD RESPONDENT.
- P2- TRUE PHOTOCOPY OF THE COMMUNICATION FROM 5TH RESPONDENT DATED 01.09.1979.
- P3- TRUE PHOTOCOPY OF THE COMMUNICATION DATED 19.06.1985 FROM 5TH RESPONDENT TO 3RD RESPONDENT.
- P4- TRUE PHOTOGRAPH OF THE CSI CHRIST CHURCH, ALAPPUZHA, THE MISSION BUNGLOW, FIRST ENGLISH MEDIUM SCHOOL.
- P5- TRUE PHOTOGRAPH OF THE CSI CHRIST CHURCH AND TOMB OF REV. DR.THOMAS NORTAN.
- P6- TRUE PHOTOCOPY OF THE NOTICE OF INAUGURAL CEREMONY.
- P7- TRUE PHOTOCOPY OF THE BROCHURE OF BICENTENARY PROGRAMMES AND PROJECTS.
- P8- TRUE PHOTOCOPY OF THE REQUEST LETTER ISSUED BY PETITIONER TO THE 5TH RESPONDENT DATED 03.07.2010.
- P9. TRUE COPY OF THE REPLY DATED 29/08/2014 ISSUED BY 5TH RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.30147 of 2015

Dated this the 3rd day of November, 2015

JUDGMENT

The petitioner has approached this Court with the following reliefs:

- i. Issue a writ of mandamus or other appropriate writ, order or direction, commanding respondents 1 to 3 to take necessary expeditious steps to issue necessary orders for shifting the 5th respondent 11 Kerala Battalion of N.C.C. from the petitioner's historic monument to other suitable premises forthwith so as to make the Mission Bungalow, AMC XIV/919, available for the proposed religious and cultural activities of petitioner Church in connection with the bicentenary program scheduled as per Ext.P6.
- ii. Issue a writ of mandamus or other appropriate writ, order or direction, commanding respondents 4 and 5 to forthwith shift the office of 5th respondent from petitioner's monument and not to hinder the right of petitioner to manage and administer its religious endowments in a manner befitting its interests;
- iii. Pass such other order or direction, as this Honourable Court deems fit and proper to grant in the facts and circumstances of the case.

2. Learned Central Government Counsel submits that the respondents 4 and 5 have already found out alternative space for shifting and requested the Public Works Department to fix for a rent and they need atleast six months time to vacate the building.

3. Learned counsel for the petitioner submits that the petitioner requires this building for bicentenary celebration from the month of May, 2016.

Considering the facts and circumstances, respondents 4 and 5 are directed to vacate the premises on or before 31.3.2016.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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