

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.10408 of 2015

and

M.P.No. 1 of 2015.

S.Anthonysami

.. Petitioner

vs

1. The District Collector
Ariyalur District, Ariyalur.
2. The Revenue Divisional Officer
Udayar Palayam Taluk
Udayar Palayam, Ariyalur District
3. The Tahsildar
Udayar Palayam Taluk
Having office at Jeyankondam
Ariyalur District.
4. The Inspector of Police
Aandimadam Police Station
Aandimadam, Ariyalur District
5. Rev. Fr. Immanuvel
Parrish Priest, St. Agnesammal-Church
Aginespuram, Koovathur Post
Udayar Palayam Taluk
Ariyalur District
6. The Bishop
Bishop House
Kumbakonam, Thanjavur District
7. Rev. Fr. Gosman Arockiaraj
Head Priest, Jayankondam Region
Parish Priest St. Fathima Church
Jayankondam, Jayankondam Taluk
Ariyalur District

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the

third respondent to take appropriate action against the respondents 5 to 7 for conducting the marriage of the petitioner's elder son A.Justin Raj with Selvi. Arockia Jenifer Subashini, D/o. Susai, based upon the memorandum of the second respondent in O.Mu.A3.824/15 dated 6.3.2015, and also representation of the petitioner dated 3.3.2015.

For Petitioner : Mr.S.Kumara Devan

For Respondents : Mr.S.V.Duraisolaimalai
Additional Government Pleader
for RR1 to 4

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that he is one of the "Hereditary Nattamaidhars" of the Church at Aginespuram Village, Koovathur Post, Udayar Palayam Taluk, Ariyalur District, and the Church viz. Saint Vanathu Chinnappar Church, is one of the oldest Church in Ariyalur District and the petitioner's forefather had played their major role in constructing the said Church and they have also donated the land, on which the Church is now located. It is the case of the petitioner that the activities of the Church are controlled by the fifth respondent, who is under the control and supervision of the sixth respondent herein, and the fifth respondent is often interfering with the rights of the Nattamaidhars in the collection of donations, with an intention to grab the powers and responsibilities and want to take over the administration of the Church, which also led to civil litigation in the form of suit in O.S.No.225 of 2007, on the file of the Court of District Munsif at Jayankondam, as well as number of writ petitions.

3.According to the petitioner, the respondents never obeyed the orders passed by this Court in the above said legal proceedings. The petitioner would further state that Vanathu Chinnappar Annual Grand Festival was conducted from 2.8.2010 to 4.8.2010, and in spite of his representation to participate in the said festival, he was not permitted. The grievance now expressed by the petitioner, is that he has decided to conduct the marriage of his elder son and as per the customs of Roman Catholic Christians, the bride and the bridegroom and their respective families have to get permission from the Parrish Priest for conducting the marriage and if a child is born out of the wedlock, a birth certificate should be given and thereafter, it should be baptized before the respective Church/Priest and in connection with the same, on 3.2.2015, he approached the fifth respondent seeking permission for conducting the marriage. However, the fifth respondent has insisted that he should withdraw the pending civil proceedings and then only, permission will be accorded.

4.It is the specific case of the petitioner that the fifth respondent is more or less conducting a Kangaroo Court and interfering with the religious beliefs and personal affairs of the petitioner and for extraneous reasons, is not according permission to conduct the marriage of his son and though he has submitted a representation dated 2.3.2015, to the respondents 1 to 3, complaining about the above said activities of the fifth respondent, no action has been taken and because of non-grant of permission, the marriage of his son is also getting postponed and the same, in turn, is leading to some difficulties.

5.Mr.S.Kumara Devan, learned Counsel appearing for the petitioner, would vehemently contend that the fifth respondent is guilty of interfering with the religious beliefs and personal affairs of the petitioner and for extraneous reasons and considerations, he is not according permission to solemnize the marriage of his son in the Church and though the illegal act of the fifth respondent was the subject matter of complaint to the respondents 1 to 3 in the form of representation dated 2.3.2015, they are not taking any action whatsoever and hence, the petitioner is constrained to approach this Court and prays for appropriate orders.

6.Per contra, Mr.S.V.Duraisolaimalai, learned Additional Government Pleader, who accepted notice for the respondents 1 to 4, would submit that appropriate direction may be given to the respondents 3 and 4 for early disposal of the representation.

7.This Court, taking into consideration the rival submissions and upon perusal of the materials placed before it, directs the respondents 3 and 4 to consider the representation dated 2.3.2015, submitted by the petitioner, on merits and in accordance with law, after putting on notice, the fifth respondent, and dispose of the same as expeditiously as possible and not later than two weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner as well as to the fifth respondent. The writ petition is disposed of accordingly. No costs. Consequently, connected MP is closed.

nsv

-s/d-

Assistant Registrar(CO)

Dt:10/4/2015

True Copy

Sub-Assistant Registrar

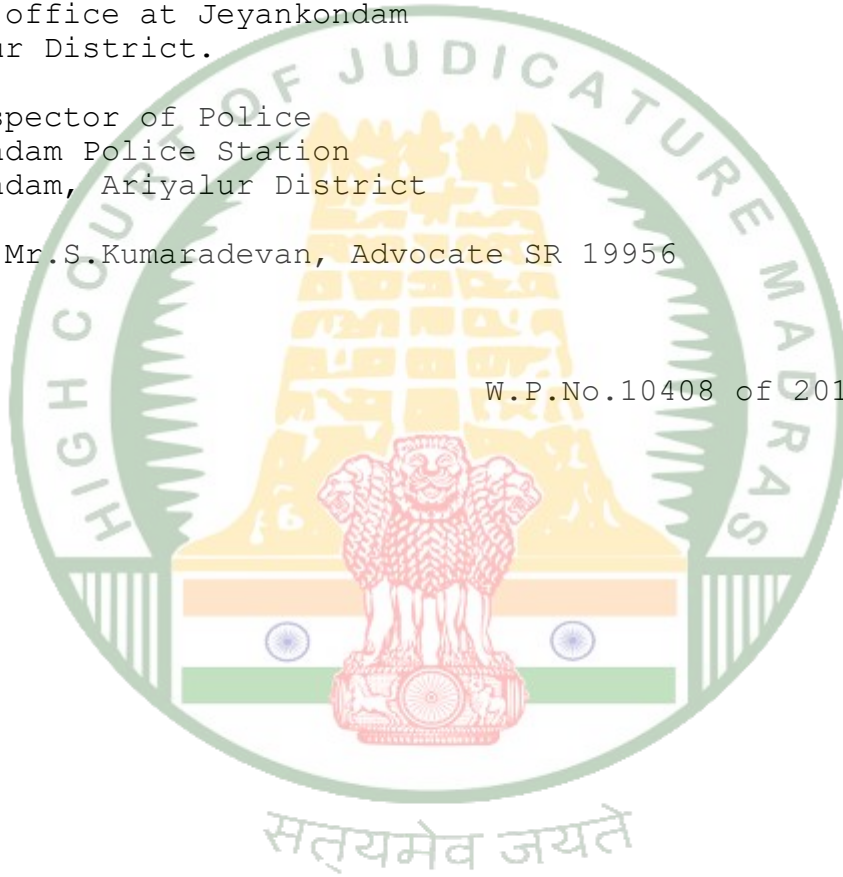
To:

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+ 1 cc to Mr.S.Kumaradevan, Advocate SR 19956

(co)
prk10/4

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