

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.21186 of 2013 &
M.P.Nos.1 & 2 of 2013 and 1 & 2 of 2014,
W.P.No.19462 of 2014,

W.P.No.14778 of 2015 and M.P.Nos.1 & 2 of 2015 and W.P.No.15468
of 2015 and M.P.No.1 of 2015

W.P.No.21186 of 2013:

1 S.ANTHONYSAMI
S/O.SAMINATHAN AGINESPURAM KOOVATHUR
VILLAGE AND POST UDAYAR PALAYAM TALUK
ARIYALUR DISTRICT ... PETITIONER

Vs.

1 THE DISTRICT COLLECTOR
ARIYALUR AND DISTRICT

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

...RESPONDENTS

W.P.No.19462 of 2014:

- 1 S.Anthonysami
S/o. Saminathan Aginespuram Koovathur
Village and Post Udayar Palayam Taluk
Ariyalur District

...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.

...RESPONDENTS

W.P.No.14778 of 2015:

- 1 Rev. Fr. Emmanuvel
Parish Priest St. Agnes Church Agnespuram
Koovathur Post Kallathur Via
Ariyalur District 621 803.

...PETITIONER

Vs.

- 1 The Thasildhar
Udayarpalayam Taluk Having Office at
Jeyakondam Ariyalur District
- 2 The Inspector of Police
Aandimadam Police Station Aandimadam
Ariyalur District

3 S.Antonysami
S/o.Saminatham Agnespuram Koovathur Post
Kallathur Via Ariyalur District 621 803
...RESPONDENTS

W.P.No.15468 of 2015:

1 S.Anthonysami
S/o.Saminathan Agnespuram Koovathur
Village and Post Udayar Palayam Taluk
Ariyalur District ..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
Agnespuram 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
Jayakondam Taluk Ariyalur District. RESPONDENTS

Prayer in W.P.No.21186 of 2013:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to give protection to the festival and prohibiting the respondents 5 and 6 from conducting the Vanathu Chinnappar Annual Grand Festival to be held on 2.8.2013 to 4.8.2013 without allowing the petitioner and other Nattamaidars

to do their customary rights based upon the representation dt 17.7.2013.

Prayer in W.P.No.19462 of 2014:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to give protection to the festival and from forbearing the respondents 5 and 6 from conducting the Vanathu Chinnappar Annual Grand Festival to be held on 1.8.2014 to 4.8.2014 without allowing the petitioner and other Nattamaidars to do their customary rights based upon the representation dated 27.6.2014.

Prayer in W.P.No.14778 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned proceedings dt 5.5.2015 in No. Na. Ka. No. AA1/10271/2014 on the file of the 1st respondent and quash the same.

Prayer in W.P.No.15468 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to direct the 4th respondent to take appropriate action against the respondents 5 to 7 for not implementing the order of the 3rd respondent in Na.Ka.Aa1/10271/2014 dated 5.5.2015.

For Petitioner in
W.P.No.21186/2013,
W.P.No.19462/2014 &
W.P.No.15468/2015 : Mr.Kumaradevan
For Petitioner in
W.P.No.14778/2015 : Mr.Fr.Xavier Arulraj
Mr.

For Official
Respondents in all W.Ps.: Mr.P.SanjayGandhi, A.G.P.

For Respondent No.5 & 6 : Mr.Fr.A.Xavier Arulraj
in W.P.No.21186/2013 &
W.P.No.19462/2014
For Respondent No.3 : Mr.S.Kumaradevan
in W.P.No.14778/2015
For Respondents 5 to 7 : Mr.Fr.A.Xavier Arulraj
in W.P.No.15468/2015

COMMON ORDER

As the issues involved in all the writ petitions are interconnected they have been taken up together and disposed of by a common order.

2 The facts as stated in W.P.No.14778 of 2015 have been taken up for the same.

3 There appears to be some problems between the petitioner and the Church. The dispute raised by the petitioner against the Church and the Bishop certainly cannot be a ground to be adjudicated before this Court under Article 226 of the Constitution of India. However, this Court is only concerned with the marriage to be solemnised by the Church.

4 Counsel for the petitioner submitted that the litigation raised in the writ petition has been withdrawn and the Bishop is not giving audience.

5 Counsel for the respondent submitted that the Bishop is always willing to perform the marriage, but the problem has been compounded by the petitioner by trying to raise Canon Law which is not available to him.

6 Counsel for the respondent further submitted that Canon Law will have supremacy and therefore, the spouses and others will have to fall in line with the same. If they do so, the Bishop would certainly act according to the Canon Law.

7 This Court does not find any conflict with the Canon Law in performing the marriage. Certainly for doing so, the spouses will have to seek audience of the Bishop and follow his instructions.

8 Counsel for the petitioner submitted that they would do so that it puts an end to the entire issue. Though spouses are not before this Court, they want to solemnise the marriage. Thus, this Court does not find any difficulty in performing the marriage. Accordingly, the spouses are at liberty to approach the Bishop who in turn will perform his role as per Canon Law. It is needless to say that spouses will have to conform to the Canon Law.

9 In view of the same, the writ petition stands disposed of. The order passed by the respondent No.1 in W.P.No.14778 of 2015 is accordingly set aside being irrelevant. Consequently, connected M.P.No.1 & 2 of 2015 are closed. No costs.

10 The other writ petitions in W.P.Nos.21186 of 2013, 19462 of 2014 and 15468 of 2015 are dismissed giving liberty to

the petitioners to work out remedy in the manner known to law if so advised since the suit with respect to the same issue filed in O.S.No.225 of 2007 by the petitioner's uncle has been dismissed, this Court cannot go into the same under Article 226 of the Constitution of India. Consequently, connected miscellaneous petitions are also dismissed. No costs.

11 This Court only hope and trust that Bishop would act according to the high value and tradition as exposed in the Canon Law by taking note of the submission made by the learned counsel for the respondent that he will certainly do so befitting his stature and position. This Court also does not find any law and order problem as foreseen of the order passed by the Tahsildar and it be understood in the context in which it has been passed which is also irrelevant at this stage.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 THE DISTRICT COLLECTOR, ARIYALUR AND DISTRICT
- 2 THE REVENUE DIVISIONAL OFFICER
UDAYAR PALAYAM TALUK UDAYAR PALAYAM, ARIYALUR DIST.
- 3 THE TAHSILDAR, UDAYAR PALAYAM TALUK HAVING OFFICE AT
JEYANKONDAM ARIYALUR DISTRICT
- 4 THE INSPECTOR OF POLICE, AANDIMADAM POLICE STATION
AANDIMADAM, ARIYALUR DISTRICT

+1 cc to Government Pleader(sr58060)
+1 cc to Mr.Kumaradevan,Advocate(sr.57889)
+3 ccs to Dr.Fr.A.Xavier Arulraj,Advocate(sr.58481)

W.P.No.21186 of 2013 &
M.P.Nos.1 & 2 of 2013 and 1 & 2 of 2014,
W.P.No.19462 of 2014,
W.P.No.14778 of 2015 and M.P.Nos.1 & 2 of 2015 and
W.P.No.15468 of 2015 and M.P.No.1 of 2015

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cp 30/10/2015