

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35417 of 2015

The Church of South India rep. by
its Chairman Rev. Prince Calvin

... Petitioner

vs.

1.The Superintendent of Police - Rural,
Coimbatore - Rural, Ramnagar,
Coimbatore - 9.

2.The Inspector of Police Station,
Kovilpalayam Police Station,
Kovilpalayam Post, Coimbatore.

3.K.Devarajan

4.R.Duraisamy

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to direct the first and second respondents to provide adequate protection to the petitioner and the worshippers who would be coming to the C.S.I. Church at Kalapatty, Coimbatore and also the construction workers who would be engaged in finishing the church work.

For Petitioner : Ms.Renuka T.

For Respondents : Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus directing the first and second respondents to provide adequate protection to the petitioner and the worshippers who would be coming to the C.S.I. Church at Kalapatty, Coimbatore and also the construction workers who would be engaged in finishing the Church work.

2. It is the case of the petitioner church that they were constructing a church at Kalapatty, Coimbatore. When the said construction was nearing completion, respondents 3 and 4 filed a suit in O.S.No.1378 of 2011 on the file of the learned Additional District Munsif, Coimbatore, to stop the said construction. The land on which the construction of the new church is being built, has already a small tiled church, which was dedicated for Christian worship on 24.11.1948 by Rev. A.J.Datman. In the said suit, no interim order was granted. On 10.2.2010 the said place was consecrated and the construction of the new church began on 12.2.2010 after obtaining the mandatory permission from the District Administration dated 30.1.2010. The land is legally owned by the Church of South India Trust Association. The respondents 3 and 4, who are local individuals and who do not belong to any society or organization, stopped the church construction work by shouting slogans, when the construction work is in the final stage. In the absence of any interim order by this Court, the petitioner is unable to put up construction. Since the respondents 3 and 4 are creating problem, the petitioner has come up with the present writ petition seeking a direction to the first and second respondents to provide adequate protection to the petitioner and the worshippers who would be coming to the C.S.I. Church at Kalapatty, Coimbatore and also the construction workers who would be engaged in finishing the church work.

3. The second respondent filed a counter denying the allegation that the respondents 1 and 2 have failed miserably in washing their hands off and also failed in doing a simple job of protecting the members of the church. Further, it has been stated in the counter that Coimbatore City is vulnerable area for communal tension and the petitioner cannot seek to depute force and give protection until completion of the construction and it is highly impractical for the police department. Thus, the second respondent sought for the dismissal of the writ petition.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, appearing for the respondents 1 and 2. In view of the limited order going to be passed hereunder, this Court is of the opinion that there is no need to issue notice to respondents 3 and 4.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the respondents 1 and 2 to consider the request of the petitioner for providing police

protection for the construction of the church, by affording an opportunity of personal hearing to the petitioner as well as to the respondents 3 and 4 and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents 1 and 2 to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

sbi

To

- 1.The Superintendent of Police - Rural,
Coimbatore - Rural, Ramnagar,
Coimbatore - 9.
- 2.The Inspector of Police Station,
Kovilpalayam Police Station,
Kovilpalayam Post, Coimbatore.

1 cc to Government Pleader, Sr. 69184

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GJ (CO)
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