

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.39036 of 2015

B.C.Wilson Vajram

... Petitioner

Vs

1. The Superintendent of Police,
Vellore,
Vellore Taluk,
Cuddalore District.
 2. The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur,
Vellore District
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to consider the representation submitted by the petitioner dated 6.11.2015 and to afford police protection for conducting service/prayers "Christukula Ashram Church", Tirupattur, Vellore District by the petitioner without any hindrance within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For respondents : Mr.P.Sanjay Gandhi,
Additional Govt. Pleader

O R D E R

This Writ Petition has been filed praying for a direction to consider the representation submitted by the petitioner dated 6.11.2015 and to afford police protection for conducting service/prayers in "Christukula Ashram Church", Tirupattur, Vellore District by the petitioner.

2. According to the petitioner, Bro.George A.Raja was the Managing Trustee and Prathama Sevak of Trust "Christukula Ashram", Tirupattur, Vellore District. The Trust was formed with an object of carrying out religious and charitable activities at Tirupattur, Madavalam, Courtallam of Tirunelveli District. The

petitioner has associated with the activities of the said Trust out of his own will and accord and gifted away his landed properties to an extent of 66 acres in favour of Trust for the purpose of serving poor and down trodden.

3. It is his further case that based on petitioner's dedication towards Trust, the said Bro.George A.Raja, who is the Managing Trustee and Prathama Sevak of Trust executed a registered Will on 3.1.2014 appointing the petitioner and one K.G.Solaman Selvam as Trustees with reference to conduct of all prayers in the said Church through Pastors and also to manage the hospital run by the Trust after the demise of the said said Bro.George A.Raja and as per the Will, after the demise of Managing Trustee of the Will, the petitioner and the above said K.G.Solaman Selvam became the Managing Trustees of the Trust and has been looking after the administration of the Trust without hindrance.

4. While so, one, National Mission Society of India NMSI, Chennai-14, was earlier granted permission to offer prayers and service in the said Church for a period of three years from 1999-2002, however, as the Managing Trustee was not satisfied with the service rendered by NMSI, since it had indulged in looting the movable properties of the Trust and attempted to cause encumbrance to the Trust properties, the agreement with NMSI was cancelled under Resolution on 25.2.2002 and thereafter NMSI has no nexus or connection with the said Church. Now the people belong to NMSI with vested interest and ulterior motive started to cause disturbance in conducting service/prayers in the said Church by interfering with Sunday prayers and causing disturbance, due to which, the prayers in the church cannot be conducted in a peaceful manner, which caused serious disbelief and frustration in the minds of believers of God who attend prayers in Church.

5. In this regard, complaints have been forwarded to Respondent Police against NMSI in the year 2002, but the respondent has not considered the representation/complaint given by petitioner and did not take any action.

6. Learned counsel for the petitioner submitted that on 6.11.2015, the petitioner has submitted a representation to the Police seeking to afford police protection for smooth functioning of Christukula Ashram Church, Tirupattur by enclosing the Will executed by its Managing Trustee and Prathama Sevak of Trust Bro.George A.Raja, but the respondent has not initiated any action thereon. Hence he prayed for a direction directing the respondent police to consider the

representation/complaint given by the petitioner and afford police protection for conducting prayers in a peaceful manner.

7. Heard the learned Additional Government Pleader.

8. In view of the submissions of learned counsel for petitioner, this Court, without going into the merits of the matter, directs the 2nd respondent to consider the representation of the petitioner dated 6.11.2015 with regard to the Police Protection for conducting service/prayers and pass appropriate orders purely on merits, after affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, within a period of three weeks from the date of receipt of a copy of this order .

9. It is made clear that this Court has not expressed any opinion with regard to the merits of the matter.

10. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Vellore,
Vellore Taluk,
Cuddalore District.

2. The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur,
Vellore District

+1cc to Mr.G.Sankaran, Advocate, S.R.No.69366
+1cc to the Government Pleader, S.R.No.69180

W.P.No.39036 of 2015

ala(CO)
srg (05/01/2016)