

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.16814 of 2015

ORDER:

The present writ petition, filed under Article 226 of the Constitution of India, prays for a direction to the respondent/police authorities to provide police protection to the petitioner society from interference of the unofficial respondents in their religious activities.

2. Heard Sri CH.Samson Babu, learned counsel for the petitioner, learned Government Pleader for Home and Sri D.Linga Rao, the learned counsel for the unofficial respondents apart from perusing the material available before the Court.

3. The case of the petitioner is that in the pre-independence era, the London Missionary Society entrusted the administration of the Churches and other institutions in Rayalaseema Districts to a trust in the name and style of Telugu Combined Committee and after independence the Church of South India Trust Association was incorporated under the Companies Act and later the London Missionary Society removed the Telugu Combined Committee as a trustee and transferred the properties to the Church of South India Trust Association. It is further pleaded that though the Telugu Combined Committee ceased to exist, the persons of earlier trust/Telugu Combined Committee, formed themselves into a society and got registered in the name and style of Telugu Church Council. It is alleged further that though they have no right over the properties or the institutions, some of the members of Telugu Combined Committee are still making claims that they are the owners and custodians of the properties of erstwhile London Missionary Society. It is the further case of the petitioner that despite the orders of the Hon'ble Supreme Court in Civil Appeal Nos.1547 and 1548 of 1996 dated 28.06.1996 wherein the judgments of the trial Court as well as this Court were set aside, the

unofficial respondents are interfering with the activities of the petitioner and making claims, and as such, the petitioner made a representation to the police to extend protection. It is also the case of the petitioner that one of the members of the petitioner had already instituted O.S.206/2008 for injunction and the Civil Court erroneously dismissed the said suit. In the above background, the petitioner lodged a complaint, requesting the police to grant police-aid and it is the grievance of the petitioner that no action has been taken by the police till date.

4. On the contrary, it is submitted vehemently by the learned Government Pleader for Home that since the dispute in between the parties is only a civil dispute, the police cannot be asked to take any action and it is for the petitioner to approach the competent civil Court for redressal of its grievance, if it is advised to do so.

5. On the other hand, it is submitted by the learned counsel for the unofficial respondents, Sri D.Linga Rao that the very writ petition is not maintainable before this Court under Article 226 of the Constitution of India and having failed before a Civil Court in O.S.206/2008, the invocation of the jurisdiction of this Court under Article 226 of the Constitution of India is a patent abuse of process of law. It is also the submission of the learned counsel for the unofficial respondents that earlier the petitioner herein filed W.P.No.39581 of 2014 substantially for the same relief and withdrew the same on its own and the same was dismissed by this Court by way of an order dated 17.06.2015 as withdrawn, and in view of the same, the present writ petition, practically for the same relief, cannot be maintained in the absence of any liberty granted by this Court to file another writ petition.

6. On the face of the averments in the writ affidavit, the relief sought in the writ petition cannot be granted for the simple reason that having instituted a civil suit for injunction and having suffered a judgment, refusing to grant injunction, it is not open for the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution

of India in the guise of inaction on the part of the police on the complaint, making the same allegations. It is also evident from the writ affidavit that the petitioner herein is not successful in pointing out any violation of either statutory or constitutional provision on the part of the respondent police. As rightly contended by the learned Government Pleader, it is always open for the petitioner to approach an appropriate forum for redressal of its grievance.

7. Another significant aspect which non-suits the petitioner is the withdrawal of the earlier writ petition and its dismissal by this Court as withdrawn without any liberty to file another writ petition.

8. In view of the foregoing reasons, this Court is neither persuaded nor inclined to grant any relief in the present writ petition and accordingly the writ petition is dismissed, however, with a liberty to the petitioner to approach appropriate forum for redressal of its grievance. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No costs.

A.V.SESHA SAI, J

Date:17.08.2015
grk

-
-
-
-
-
-
-
-
-
-
-

W.P.No.16814 of 2015

-
-

-

-

Dated 17th August, 2015

grk

THE HON’BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.16814 of 2015

Date:17th August, 2015

-

Between:

Church of South India Trust Assocaition
Rayalaseema Diocese, CSI Compound, Kadapa
represented by its Secretary & Power of Attorney

Holder Rev. Issac Vara Prasad/

... Petitioner

and

The State of Andhra Pradesh
Represented by its Principal Secretary,
Department of Home, Secretariat Buildings,
Hyderanad and five others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 17th August, 2015

SUBMITTED FOR APPROVAL: 17th August, 2015

-
-

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

- | | |
|---|--------|
| 1. Whether Reporters of Local Newspapers
May be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
Marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Lordship wish to see the
Fair copy of the judgment? | Yes/No |