

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.11.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.3245 of 2016 and
CMP.No.16453 of 2016

1.E.Martin Susairaj
2.E.Martin Arulraj
3.E.Martin Thomas Raj
4.C.Anand
5.A.Adaikala Mary
6.E.Jemma
7.M.Vasanthakumari
8.M.Sheeba
9.M.Mary Sherly
10.E.Mary
 T.Kuberan (deceased)
11.M.Elias

...Petitioners

versus

M/s.The Diocese of Chengalpet of Roman
Catholic Churches,
Rep. by Property Administrator,
Bishop's House, Kancheepuram High Road,
Thimmavaram, Chengalpet

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the common order dated 26 November 2015 in I.A.No.585 of 2015 in O.S.No.151 of 2015 on the file of the learned Principal Sub-Judge, Chengalpattu.

(Cause title accepted vide order of Court dated 27.09.2016 by KKSJ made in CMP No.15299/2016)

For Petitioners : Mr.B.Narayanan

For Respondent : Mr.S.Jebarajan

ORDER

This Civil Revision Petition is directed against the order dated 26 November 2015 in I.A.No.585 of 2015, whereby and where under, the learned Principal Subordinate Judge, Chengalpattu was pleased to direct Police Protection to the respondent.

2. The respondent filed a civil suit in O.S.No.151 of 2015 against the petitioners, praying for a decree of declaration and consequential injunction.

3. The respondent, in the said suit contended that the Diocese is in possession of the plaint "B" Schedule Property, which is part of plaint "A" Schedule property. The petitioners made an attempt to disturb the peaceful possession and enjoyment of the property by the Diocese and the same resulted in filing the suit for declaration and injunction.

4. The respondent filed string of applications before the Trial Court. The application in I.A.No.585 of 2015 was filed to direct the Police to give protection.

5. The learned trial Judge took up all the applications together for consideration. The application in I.A.No.585 of 2015 was filed for Police Protection with an allegation that the petitioners have committed unlawful acts of disturbance to the peaceful conduct and worship of the Church situated in plaint "B" schedule property.

6. The learned Trial Judge without indicating any reason, much less justifiable reason, granted Police Protection and allowed the application in I.A.No.585 of 2015. There is nothing made out from the order passed by the learned Trial Judge as to whether, the Court considered the background facts before directing Police Protection to the respondent. The learned Judge, by a common order disposed of all the applications. The fact remains that neither reasons nor justifiable reasons were given in support of the order passed in I.A.No.585 of 2015. I am therefore of the view that the matter requires fresh consideration by the learned Principal Subordinate Judge, Chengalpattu.

7. In the result, the order dated 26 November 2015 in I.A.No.585 of 2015 is set aside. The learned Principal Subordinate Judge,

Chengalpattu, is directed to consider the application afresh and pass appropriate orders on merits and as per law.

K.K.SASIDHARAN, J.
(svki)

8. The Civil Revision Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

22.11.2016

Index : Yes/No

svki

Note : Issue order copy by 28.11.2016

To

The Principal Subordinate Court,
Chengalpattu

C.R.P.(P.D.) No.3245 of 2016