

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.12.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition No.10603 of 2001

Jacob

...Petitioner

-Versus-

1. Diocese of Trivandrum
Rep. by His Excellency Rt.Rev. The Bishop
Bishops House
Vellayambalam, Trivandrum - 695 003.

2. The District Educational Officer
Kuzhithurai
Kanyakumari District.

... Respondents

Petition filed under Section 226 of the Constitution of India praying for issuance of a writ of mandamus, to direct the Diocese of Trivandrum, the first respondent herein, to implement the decisions reached in the joint meeting as laid down in their document of agreement No.15-8/2000/216 dated 20.07.2000.

For Petitioner : No appearance

For Respondents : Mr.V.Jaya Prakash Narayanan
Spl.GP (W)

ORDER

This writ petition has been filed to direct the Diocese of Trivandrum, the first respondent herein, to implement the decisions reached in the joint meeting as laid down in their document of agreement No.15-8/2000/216 dated 20.07.2000.

2. Heard the learned Special Government Pleader appearing for the respondents.

3. This writ petition was initially filed through an advocate Mr.M.S.Ramesh & Mr.S.Raghavendra Rao. On 17.04.2009, when this writ petition was listed before Hon'ble Mr.Justice K.N.Basha, it was represented by Mr.M.S.Ramesh and Mr.S.Raghavendra Rao that the petitioner had taken change of

vakalat and the bundle. Therefore, the Registry was directed to print the name of the petitioner.

4. On 05.12.2016, the matter was listed before this Court with the name of the petitioner in the cause list. There was no representation for the petitioner on that day also and hence, this Court directed the Registry to post the matter today under the caption "for dismissal". Today, the name of the petitioner i.e. Jacob was called thrice by this Court. There is no representation for the petitioner. Therefore, this Court perused the records.

5. It is the case of the petitioner that the Pius XI Higher Secondary School, Thoothoor, Kanyakumari District is being run by the Diocese of Trivandrum headed by Rt. Rev. The Bishop. It appears that in the year 1980, Parish was bifurcated into Chinnathur Parish and Thoothoor Parish. There was a longstanding dispute between the two parishes. On the intervention of the Bishop of Trivandrum, the parties have entered into an agreement on 20.07.2000 under which the said St. Pius XI Lower Primary School should be run by the Chinnathur Parish. Now, this writ petition is being filed for a direction to the Diocese of Trivandrum to implement the decision reached in the joint meeting.

6. In the considered opinion of this Court, such a writ of mandamus cannot be issued in the absence of any statutory duty.

Therefore, this petition is dismissed as being devoid of merits. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Excellency Rt.Rev. The Bishop
The Diocese of Trivandrum
Bishops House
Vellayambalam, Trivandrum - 695 003.

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2. The District Educational Officer
Kuzhithurai
Kanyakumari District.

+1cc to the Government Pleader Sr.72648

W.P.No.10603 of 2001

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srg 03/01/2017



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