



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2016

CORAM:

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.22643 of 2016

- 1.Stephan Raj
- 2.Maria Pen Rosusha
- 3.Maria Brucelee
- 4.Antony
- 5.Jegan
- 6.Kennedy

... Petitioners

Vs.

- 1.The Revenue Divisional Officer &
Executive Magistrate,
Thiruchirappalli - 8.

- 2.The State rep. By
The Inspector of Police,
Gandhimarket Police Station,
Tiruchirappalli.

- 3.P.Venish Clement

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the first respondent to permit the petitioners to conduct worship and festival in the Pillaimanagar, Cemetery St.Joseph Church with adequate protection and to direct the third respondent to handover the keys and account book relating to the church without creating any law and disturbance to public order and tranquility under the powers vested with the petitioner's in the Criminal Procedure Code.

For Petitioners : Mr.M.Joseph Thatheus Jerome

For R1 & R2 : Mr.K.Mahesh Raja
Government Advocate

ORDER

The petitioners have filed this Writ Petition for issuance of writ of mandamus directing the first respondent to permit the petitioners to conduct worship and festival in the Pillaimanagar, Cemetery St.Joseph Church with adequate protection and to direct the third respondent to handover the keys and account books relating to the church without creating any law and disturbance to public order and tranquility under the powers vested with the petitioners in the Criminal Procedure Code.



2. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the respondents 1 and 2. Since no order is passed prejudicial to the rights of the third respondent, notice to the third respondent is dispensed with.

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3. According to the petitioners, they are members of a Ad-hoc Committee to conduct election in the Pillaimanagar, Cemetery St. Joseph Church, Tiruchirappalli. Since the period of earlier committee was over, election was conducted by ad-hoc committee from 02.09.2016 to 09.09.2016, but, the earlier committee is refusing to hand over the account books, minute books and key of the church. Hence, the petitioners made a representation before the first respondent, the Revenue Divisional Officer to conduct a meeting and to transfer the management of the Church. The above representation was made on 26.09.2016. The first respondent did not consider the same hence, they filed the present writ petition.

4. In the above circumstances, without going into merits of the matter, the first respondent/Revenue Divisional Officer & Executive Magistrate, Thiruchirappalli, is directed to consider the representation of the petitioner dated 26.09.2016 and conduct enquiry, after issuing notice to the petitioners and the third respondent and pass orders on merits and in accordance with law within a period two weeks from the date of receipt of the copy of this order.

5. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

Sd/
Assistant Registrar(C.S-I)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer & Executive Magistrate,
Thiruchirappalli - 8.

2. The Inspector of Police, Gandhimarket Police Station,
Tiruchirappalli.

+1cc to M/s.M. Joseph Thatheus Jerome, Advocate, in SR No.72359.

+1cc to Special Government Pleader in SR.No.72716

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