

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.11050 of 2017
and W.M.P.No.11999 of 2017

The Secretary rep by [Petitioner]
V. John Moses
Grace Lutheran Church
Mission Compound ADS
(Ambattur District Synod)
Thuthipet, Ambur Taluk,
Vellore District

Vs

- 1 The District Collector
Vellore District Vellore
- 2 The Superintendent of Police
Vellore
- 3 The Sub Collector
Thirupattur Vellore District
- 4 The Thasildar
Ambur Taluk Office Ambur Vellore District
- 5 The Revenue Inspector
Thuthipet Ambur Taluk Vellore District
- 6 The Village Administrative Officer
Thuthipet Village Ambur Taluk
Vellore District
- 7 The Inspector of Police
Omrubath Police Station Ambur Taluk
Vellore District
- 8 Mr.V.Premkumar

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus forbearing the respondents 1 to 7 from interfering with the administration of the Church Viz. Greace Lutheran Church- Indian Evangelical Lutheran Church

at Thuthipet Vellore District without due process of law in favour of the eighth respondent as Pastor.

For Petitioner : Mr.M.Saravanakumar

For Respondents: Mr.A.N.Thambidurai, SGP (R1-7)

ORDER

Mr.A.N.Thambidurai, learned Special Government Pleader takes notice for the respondents 1 to 7.

2. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

3. The petitioner has filed the above writ petition to issue a writ of mandamus forbearing the respondents 1 to 7 from interfering with the administration of the Church Viz. Greace Luthern Church- Indian Evangelical Lutheran Church at Thuthipet Vellore District, without due process of law ,in favour of the eighth respondent as Pastor.

4. Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 7 submitted that since Civil Suits in O.S.No.34 of 2010 and O.S.No.8 of 2017 on the file of the Principal District Munsif Court, Ambur, Vellore District are pending, the present writ petition is not maintainable for the reason that the petitioner's main grievance is only against the 8th respondent in the writ petition, who is a private party.

5. This Court considered the submissions made by the learned counsel on either side and perused the materials available on record.

6. Though the petitioner has not mentioned anything about the pendency of the suits in the affidavit filed in support of the writ petition, he has annexed copy of the plaints in the typed set of papers. On a perusal of the copy of the plaints, it is clear that while the writ petitioner has filed the suit in O.S.No.34 of 2010, the 8th respondent has filed the suit in O.S.No.8 of 2017. When the Civil Suits are pending between the parties, the writ petition filed by the petitioner cannot be entertained.

7. When the petitioner had opted for alternative remedy by way of Civil Suit, the writ petition is liable to be dismissed and accordingly, the same is dismissed. No costs. Connected miscellaneous petition is also dismissed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To

- 1 The District Collector
Vellore District Vellore
- 2 The Superintendent of Police
Vellore
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+1cc to Mr.M.Saravanakumar, Advocate sr.26172

W.P.No.11050 of 2017

kj1(co)
ss(9/5/2017)