



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD) No.12451 of 2017

and

W.M.P(MD) Nos.9602 and 9783 of 2017

Rev.A.Jesu Nesapandian
Manager,
T.D.T.A, Primary and Middle Schools,
Church of South India,
Diocese of Tirunelveli,
Diocesan Office,
No.5, Punithavadiyar Street,
Palayamkottai,
Tirunelveli District.

... Petitioner

Vs.

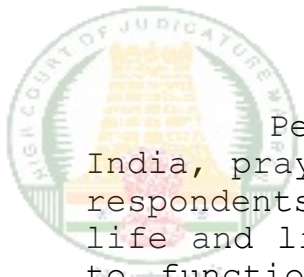
- 1.The State of Tamil Nadu,
Rep by its Secretary,
Department of Home,
Fort St., George, Chennai.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
- 4.The Deputy Commissioner of Police,
Commissioner of Police,
Tirunelveli,
Tirunelveli District.
- 5.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli,
Tirunelveli District.
- 6.Abraham Selvaraj
- 7.I.D.S.Abraham

(RR 6 and 7 impleaded vide order

<https://hcservices.courts.gov.in/hcservices/> dated 28.07.2017 made in

W.M.P. (MD) Nos.9833 and 9938 of 2017)

... Respondents



Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, to direct the respondents 3 to 5 to provide adequate police protection for the life and limb of the petitioner and to the office of the petitioner to function as the Manager of the T.D.T.A School under the CSI Diocese of Tirunelveli within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan,
Senior Counsel for
M/s.Ajmal Associates

For Respondents 2-5 : Mr.N.S.Karthikeyan,
Additional Government Pleader.

For 6th Respondent : Mr.K.K.Samy

For 7th Respondent : Mr.J.Barathan

R1 : Given up

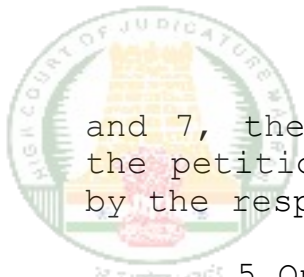
ORDER

The prayer in the writ petition is to direct the respondents 3 to 5 to give police protection to the life and limb of the petitioner and to the office of the petitioner to function as the Manager of the T.D.T.A school under the C.S.I.Diocese of Tirunelveli.

2.The writ petition has been filed on the ground that the petitioner has been appointed as Manager of one T.D.T.A Primary and Middle School which comes under the control of C.S.I. Diocese of Tirunelveli, the petitioner has been appointed by an Administrative Committee, appointed by the Synod. While so, the 7th respondent who is claiming to be the manager appointed by another elected committee for the management of the T.D.T.A School, Tirunelveli Diocese Trust Association, is interfering with the affairs of the petitioner and also they have criminally intimidated and threatened the petitioner. Hence, he has filed a complaint against five persons which has been registered in Crime No.340 of 2017 for the offence under Sections 147, 148, 448, 427 and 506(ii) and 379 IPC.

3.Apprehending danger at the hands of the respondents 6 and 7, the petitioner filed a petition before the fifth respondent seeking police protection. Since, it has not been considered, the present writ petition has been filed.

4.Learned Senior Counsel appearing for the petitioner would submit that the synod which has been a supreme body dissolved of the elected council and appointed an administrative committee to administer the Diocese and the said committee has appointed the petitioner as Manager. The 7th respondent who claims to be appointed as manager by the rival group is now interfering with the affairs and also attacked the office and intimidated the petitioner, hence, the petitioner filed a complaint and the same is pending investigation. Apprehending danger at the hands of the respondents 6



and 7, the petitioner sought protection for the life and limb for the petitioner and also for the properties which was not considered by the respondent police.

5. On the other hand, learned counsel for the respondents 6 and 7 submitted that even though synod has dissolved election and appointed an administrative committee for the management of T.D.T.A School, the C.S.I. Diocese of Tirunelveli is a company incorporated under the Companies Act and the synod has no power to dissolve the elected bodies and also appoint administrative committee, consequently, the appointment of the petitioner as a manager is not valid. In the above circumstances, the petitioner cannot claim as a legally appointed person and therefore, police protection cannot be extended to him.

6. I have considered the rival submissions.

7. Admittedly, there is a civil dispute between the parties. The petitioner claims to be appointed as a Manager by an administrative committee appointed by the synod which was disputed by the respondents 6 and 7 stating that the synod has no power to appoint the petitioner and therefore, the appointment of the petitioner is not valid. Since there is a dispute regarding holding of office of manager by the petitioner, the police cannot give protection to the office of the petitioner. Considering the fact that the petitioner has given complaint against the private respondents and the same is under investigation and he is also apprehending some danger to his life and limb, the fifth respondent police is directed to give personal protection to the petitioner alone, if it is so required.

8. So far as the prayer for giving protection to function as Manager of the T.D.T.A School is concerned, it is for the petitioner to approach the Civil Court to establish his right to administer the school and obtain necessary order and thereafter, he can sought for protection and the relief sought for by the petitioner cannot be granted at this stage.

9. In view of the above order passed by this Court, the impleading petition in W.M.P(MD)No.9783 of 2017 is closed.

10. In the result, the writ petition is partly allowed. No costs. Consequently, W.M.P(MD)No.9602 of 2017 is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

3.The Deputy Commissioner of Police,
Commissioner of Police,
Tirunelveli,
Tirunelveli District.

4.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli,
Tirunelveli District.

+1cc to Mr.K.K.SAMY Advocate in SR. No.74352

+1cc to AJMAL ASSOCIATES in SR. NO. 74010

+1cc to Mr.T.R.JEYAPALAM Advocate in SR. No.73995

+1cc to Mr.A.ROBINSON Advocate in SR. No.73782

SMS

JS/KK/SAR.2/5.9.2017/4P-9C

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