

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE M.VENUGOPAL

AND

THE HON`BLE MR JUSTICE S.VAIDYANATHAN

WP No.2746 of 2018

AND WMP.NOS.3392 TO 3394 of 2018

G.PAULRAJ

[PETITIONER IN ALL THE PETITIONS]

Vs

1 THE DISTRICT COLLECTOR, [RESPONDENTS IN ALL THE PETITIONS]
COIMBATORE DISTRICT, COIMBATORE

2 THE REVENUE DIVISIONAL
OFFICER, COIMBATORE NORTH,
COIMBATORE DISTRICT.

3 THE TAHSILDAR,
ANNUR TALUK, COIMBATORE DISTRICT.

4 THE SUPERINTENDENT OF POLICE
COIMBATORE RURAL DISTRICT, COIMBATORE.

5 THE INSPECTOR OF POLICE
ANNUR POLICE STATION, COIMBATORE DISTRICT.

6 THE ASST. ELECTRICAL ENGINEER
TANGEDCO TIRUPPUR ELECTRICITY DISTRIBUTION
CIRCLE, VADAKKALLUR- 641 651
COIMBATORE DISTRICT.

Writ Petitions under Article 226 of the Constitution of India
praying that in these circumstances stated therein and in the
respective affidavits filed therewith the High Court will be
pleased to

issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the
records relating to the impugned order dated 23.12.2017 Ref. Na.Ka.
4411/ 2017/ A1 passed by the 2nd respondent and the consequential

proceedings of the 6th respondent dated 28.12.2017 Ref. Lr. No.2 Mi. Po./ 0014/ North/ Ko/DC/ D.067/ 2017- 2018 affixed in the petitioners church on 30.12.2017 and quash the same and consequently direct the respondents authorities to permit the functioning of the petitioner church viz. Karanoor Evangelical Church of India (ECI) situate at Survey No.386/ 14, Akkarai Chengampalli Village MGR Nagar, Annur Taluk, Coimbatore District pending disposal of the petitioners application dated 31.05.2017 for assignment of the subject land on payment of value to be fixed by the 1st respondent and the proceedings dated 04.10.2017 issued by the office of the 2nd respondent and the proceedings under the Tamil Nadu Land Encroachment Act 1905 (in WP.No.2746/18)

(ii)to stay the operation of the impugned order dated 23.12.2017 Ref. Na.Ka.4411/ 2017/ A1 passed by the 2nd respondent and the consequential proceedings of the 6th respondent dated 28.12.2017 Ref. Lr. No.2 Mi. Po./ 0014/ North/ Ko/DC/ D.067/ 2017- 2018 affixed in the petitioners church on 30.12.2017 (in WMP.No.3392/18) pending disposal of the above writ petition 2746/18

(iii)to grant an order of interim direction directing the respondents authorities to de-seal the petitioners church and permit the petitioner to conduct the routine Sunday prayers in the petitioner church viz. Karanoor Evangelical Church of India (ECI) situate at Survey No.386/ 14, Akkarai Chengampalli Village MGR Nagar, Annur Taluk, Coimbatore District (in WMP.No.3393/18)pending disposal of the above writ petition 2746/18 and;

(iv)to grant an order of interim direction directing the 6th respondent authority to restore the electricity service connection to the petitioners church viz. Karanoor Evangelical Church of India (ECI) situate at Survey No.386/ 14, Akkarai Chengampalli Village MGR Nagar, Annur Taluk (in WMP.No.3394/18) pending disposal of the main writ petition 2746/18 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.S.THANKASIVAN Advocate for the petitioner in all the petitions and of MR.A.N.THAMBIDURAI Special Government Pleader for 1 to 5 respondents and MR.S.K.RAMESHUWAR SENIOR COUNSEL for 6th respondent the court made the following order:-

[Order of the Court was made by **M.VENUGOPAL, J.**]

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

2. Admittedly, the Petitioner, has constructed the Karanoor Evangelical Church of India in Akkarai Chengampalli Village, Annur Taluk, Coimbatore District in a Poramboke Land and in reality, he had made an averment at Paragraph No.13 of the affidavit in the present Writ Petition to the effect that the Church and its

believers have decided to shift the church itself from Survey No.386/14 at Akkarai Chengampalli Village MGR Nagar, Annur Taluk, Coimbatore District by constructing a new church in the patta land in the locality.

3. It comes to be known that the Petitioner had given an undertaking to the authorities that they would vacate the premises in question and remove the church from Survey No.386/14, Akkarai Chengampalli Village within a period of 6 to 8 months, ie., before 31.08.2018.

4. The grievance of the Petitioner is that inspite of the aforesaid undertaking given by the Petitioner, the Respondents are acting in a highhanded manner causing prejudice to the Petitioner's Church and its believers.

5. It is not in dispute that the Petitioner was served with the copy of the impugned order dated 23.12.2017 passed by the 2nd Respondent and the consequential order dated 28.12.2017 passed by the 6th Respondent. It transpires that the 2nd Respondent by means of the Impugned proceedings dated 23.12.2017 had directed to remove the Petitioner's Church from the premises in question and a consequential order dated 28.12.2017 was passed by the 6th Respondent.

6. At this juncture, this Court, relevantly points out that it is not inclined to grant 6 to 8 months, i.e., before 31.08.2018, to remove the church itself from Survey No.386/14, Akkarai Chengampalli Village MGR Nagar, Annur Taluk, Coimbatore District. However, this Court considering the averment made by the Petitioner at Paragraph No.13 of the affidavit in the present Writ Petition, as stated supra is inclined to grant four months time, ie., till 15.06.2018, by that time, the Petitioner is directed to remove / shift the Church from Survey No.386/14, Akkarai Chengampalli Village MGR Nagar, Annur Taluk, Coimbatore District and to file a status report by means of a compliance on 18.06.2018. Further, no electricity supply shall be given.

7. Before parting with the case, this Court directs the authorities to de-seal the church in question for a period of one month and in the meanwhile, it is open to the Petitioner / Church Authorities to remove their belongings.

Registry is directed to list before this bench on 18.06.2018 for 'Reporting Compliance.'

-sd/-
08/02/2018
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT COLLECTOR,
COIMBATORE DISTRICT, COIMBATORE

2 THE REVENUE DIVISIONAL
OFFICER, COIMBATORE NORTH,
COIMBATORE DISTRICT.

3 THE TAHSILDAR
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COIMBATORE DISTRICT.

C.C. to M/S.S.THANKASIVAN Advocate on payment of necessary
charges

The Government Advocate, High Court, Madras - 104.

Order

in
WP No.2746 of 2018

AND WMP.NOS.3392 TO 3394 of 2018

Date :08/02/2018

From 26.2.2001 the Registry is issuing certified
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SDR 13.02.2018