



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) SR No.7083 of 2018

S.Michael

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Tirunelveli District.

2. S.Gnanadurai

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus to direct the first respondent to enquire the grievances and to take action on the second respondent on the basis of the nature of the case based on the damaging the morality of the church by considering the representation of the petitioner dated 03.01.2018.

For Petitioner

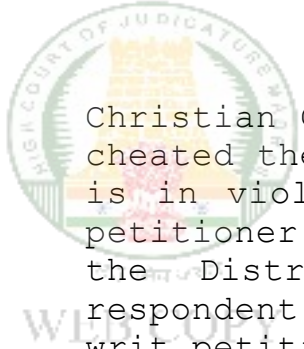
: Mr.B.Char Murugan

ORDER

This writ petition has been filed seeking direction to the first respondent to enquire into the grievances and take action against the second respondent based on the damages caused to the morality of the church by considering the representation of the petitioner dated 03.01.2018.

2.The Registry has raised objection regarding the maintainability of the writ petition and therefore, this petition has been listed today under the caption "for maintainability".

3.According to the petitioner, the petitioner originally belongs to Roman Catholic Christian, now, he has changed his belief into the Pentecostal Christian Congregation, and Church run by the second respondent, and he is the member of the said church. Subsequently, the second respondent pressurised the petitioner and also collected a sum of Rs.68 lakhs with a promise to get a house worth about Rs.2 crores. After receipt of the amount, the second respondent has not arranged to get the house for him or repay the said amount. According to the petitioner, the second respondent has cheated the petitioner and other people by using Pentecostal



Christian Congregation and Church. Since the second respondent has cheated the followers by spoiling the morality of the church which is in violation of Article 26 of the Constitution of India, the petitioner has submitted a representation dated 03.01.2018 before the District Collector to take action against the second respondent. Since no action has been taken so far, the present writ petition has been filed.

4.Learned counsel appearing for the petitioner submitted that since act of the second respondent violates the Article 26 of the Constitution of India, the first respondent has an obligation to take action against the second respondent and therefore, the writ petition is maintainable. In support of his contention, learned counsel appearing for the petitioner relies upon a decision of the Hon'ble Supreme Court in **Adi Saiva Sivachariyargal Nala Sangam and others Vs.Government of Tamil Nadu** reported in **2016(2) CTC 217**.

5.I have considered the submissions made by the learned counsel appearing for the petitioner and perused the materials available on record.

6.The grievance of the petitioner is that the second respondent had cheated the petitioner under the guise of purchasing a house and also other members of the church. If the petitioner has any grievance against the second respondent for the alleged cheating, it is always open to him to lodge a complaint against the second respondent before the concerned police. Without filing criminal complaint against the second respondent, the petitioner has submitted a representation before the District Collector, who is not an authority to consider the grievance of the petitioner. Even though the petitioner alleges that there is violation of Article 26 of the Constitution of India, a perusal of the representation given before the District Collector shows that it is purely a private dispute between the petitioner and the second respondent and therefore, he cannot claim any violation of Article 26 of the Constitution of India and the judgment relied upon by the learned counsel appearing for the petitioner is not applicable to the facts of the present case.

7.In the above circumstances, the first respondent has no legal obligation to consider the representation of the petitioner and therefore, he cannot maintain the writ petition. Accordingly, the writ petition is rejected at the SR stage.

Sd/-

Assistant Registrar(CO)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

The District Collector,
Collectorate,
Tirunelveli District.

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+ 1 cc TO Mr.B.Char Murugan , Advocate in SR No. 52268

sms

AE/CVC/SAR3/15.03.2018/3P/3C

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