



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

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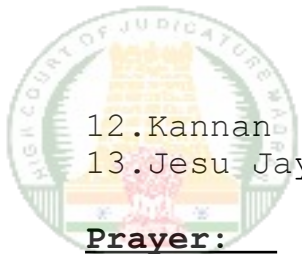
W.P. (MD) No.21135 of 2017
and
W.M.P. (MD) .No.17384 of 2017

Christ Church Society,
represented by its Secretary,
D.Dharmapandian.

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai - 625020.
- 2.The Revenue Divisional Officer,
Sub Divisional Executive Magistrate,
Madurai Sub Division,
Madurai - 625020.
- 3.The Commissioner of Police,
Madurai City,
Madurai - 625002.
- 4.The Assistant Commissioner of Police,
Thilagar Thidal Sub-Division,
Madurai- 625 001.
- 5.The Inspector of Police,
Karimedu Police Station,
Madurai - 625010.
- 6.The Diocese of Madurai Ramnad,
Church of South India, Represented by its Bishop,
A.V.H.Buildings, 162, East Veli Street,
Madurai - 625001.
- 7.The Property Officer,
Church of South India,
Diocese of Madurai - Ramnad, A.V.H. Buildings,
162, East Veli Street, Madurai - 625001.
- 8.Rev.Dr.R.Samuel
- 9.C.Thomas
- 10.Ebinazer Rajkumar
- 11.Johnson Gnanamuthu



12.Kannan
13.Jesu Jayapaul

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the fifth respondent or his subordinates, men etc., and the 12th and 13th respondents from interfering into the Christ Church situated at No.1, Rajendra Main Road, Illanthoppu, Madurai - 625 016, a religious institution dispute pending on the file of the second respondent and to direct the 3rd respondent to take appropriate actions against the 12th respondent for interfering into the dispute with regard to the religious institution Christ Church and insulting the religious feelings of the Church Members.

For Petitioner	:	Mr.A.Kannan
For R1 to R5	:	Mr.K.K.Ramakrishnan Additional Public Prosecutor
For R6 & R7	:	Mr.T.Antony Arul Raj
For R8	:	No appearance

O R D E R

This Writ Petition has been filed for issuance of a writ of Mandamus forbearing the fifth respondent or his subordinates, men etc., and the respondents 12 and 13 from interfering with the Church premises alleged to have belongs to the petitioner.

2. The grievance of the petitioner is that he is the Secretary of one Christ Church, a Society registered under the Tamil Nadu Society Registration Act, 1975, in Serial No.135 of 2016. According to them, the Church was established in the year 1933. This is an independent Church and not connected with the Church of South India. Later, in the year 2001, they have entered into a Memorandum of Understanding with the sixth respondent accepting him as a spiritual head. Thereafter, alleging violation of Memorandum of Understanding, there was a dispute between the parties and several complaints have also been given against each other and the same are pending. In the above circumstances, the fifth respondent, Inspector of Police, Karimedu Police Station, who was also arrayed as 12th respondent and 13th respondents, have entered into the Church premises illegally and also prevented the Pastor from conducting the prayer. Hence, he made a representation to the Commissioner of Police, Madurai City, the third respondent herein. Since no action has been taken, the present writ petition has been filed.

3. The fifth respondent filed a counter affidavit stating that, a civil dispute pending between the petitioner and the Church of South India, and a complaint has been filed and the F.I.R. also registered against the petitioner, and a case in counter case pending between them. Earlier, based on various complaints presented by the fifth respondent Inspector of Police, an enquiry has been conducted and after enquiry, since it is a civil dispute, the parties are advised to approach the Civil Court. That apart, a



proceedings under Section 313 Cr.P.C., also pending before the Executive Magistrate, Madurai.

4. I have considered the submissions made by both sides and perused the materials available on record.

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5. The grievance of the petitioner is that, the respondents 12 and 13, who are the Inspector of Police and the Assistant Commissioner of Police, Law and Order, Karimedu Police Station, Madurai City, interfered with the civil dispute between the petitioner and the sixth respondent and they also entered into the Church premises illegally and prevented the Pastor from conducting the prayer.

6. A perusal of the complaint filed by the petitioner before the Commissioner of Police, it is only stated that on 21.10.2017, a Constable entered into the spiritual gathering and tried to prevent the Pastor from doing his service which is very much available in C.C.T.V. Footage, but he has nowhere stated that the respondents 12 and 13 entered into the Church premises and prevented the Pastor from conducting the prayer. Now, for the first time, in the writ petition the petitioner has alleged that the respondents 12 and 13 entered into the Church premises and prevented the Pastor from conducting the prayer.

7. Be that as it may, considering the fact that already a civil dispute pending between the petitioner and the sixth respondent and also a proceedings under Section 313 Cr.P.C., is pending before the Executive Magistrate, Madurai and it is also stated by the fifth respondent Inspector of Police that they have not interfered with the civil dispute, already the complaint filed by the petitioner has been closed and advised the parties to approach the concerned civil Court, the relief sought for by the petitioner cannot be granted at this stage. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District,
Madurai - 625020.

2.The Revenue Divisional Officer,
Sub Divisional Executive Magistrate,
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Madurai - 625020.



3.The Commissioner of Police,
Madurai City,
Madurai - 625002.

4.The Assistant Commissioner of Police,
Thilagar Thidal Sub-Division,
Madurai- 625 001.

5.The Inspector of Police,
Karimedu Police Station,
Madurai - 625010.

+1 CC to M/s.A.KANNAN, Advocate (SR-72553[F] dated 01/07/2019)

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-72928[F] dated
02/07/2019)

Order made in
W.P.(MD)No.21135 of 2017
Dated: 01.07.2019

AKV
JM/30.07.2019/4P-8C