



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.01.2020

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition (MD) No.20347 of 2019

Steward Association in India
rep. by its Custodian
M.Arul Raj
S/o Mayirulan
South Street Ward - No.1
Kuvalaikanni Village,
Sankarankovil Taluk,
Tirunelveli District.

... Petitioner

Vs.

- 1.District Collector,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Sankarankovil.
- 3.The Thasildar,
Sankarankovil Taluk.
- 4.The Superintendent of Police,
Tirunelveli District.
- 5.The Deputy Superintendent of Police,
Sankarankovil.

6.Robert Thomas
7.S.Paul Immanuel
8.K.Sankaramoorthy
(R7 & R8 are impleaded vide order dated 15.11.2019
made in WMP(MD)No.19887 of 2019)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to reopen the church to conduct regular prayers and assembly within a time to be fixed by this Court.

For Petitioner	: Mr.M.D.Poornachari
For Respondents	: Mrs.Bharathi
	Government Advocate (Crl. Side)
	(for R1 to R5)



: Mr.J.Barathan (for R6)

Mrs.C.Jeya Indra Patel (For R7 & R8)

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O R D E R

This writ petition has been filed to direct the respondents to reopen the church to conduct regular prayers and assembly within a time to be fixed by this Court.

2.It is the case of the petitioner that he is the custodian of the Church of Kuvalaikanni village run by Stewards Association in India which is a religious and charitable society registered under the Indian Societies Registration Act, 1860. The said association had constructed a church in a piece of dry land measuring 4.86 cents (2102.375 sq.ft) bearing S.No.237/10 in Kuvalaikanni village. There was a dispute among two groups of believers in the village and the matter was referred to the Deputy Superintendent of Police, Sankarankovil. A peace committee meeting was conducted and during the peace committee meeting, since no consensus was arrived at, it was decided to hand over the key of the Church to the respondent on 20.05.2017. The 6th respondent and his men and agents disturbed the prayer meeting held on 20.05.2017, 30.09.2017, 01.10.2017 and 02.10.2017 and after intervention of police the church was closed and remains closed till date. On 19.02.2017, a peace committee meeting was held at Sankarankovil Taluk Office in the presence of the Tahsildar, Sankarankovil, Village Administrative Officer and Revenue Assistant of Kuvalaikanni village, Sub Inspector of Police, Karivalamvanthanallur along with the church members and it was decided to hold another peace committee meeting in the presence of the 6th respondent. Even then, the church is not opened. Hence, on 09.07.2018, the petitioner made a representation to the Tahsildar, Sankarankovil to conduct another peace committee meeting to reopen the church for the benefit of members. Since no further peace committee meeting had been conducted and since the church is not opened, the present writ petition has been filed seeking the relief stated supra.

3.The learned counsel for the petitioner would submit that the petitioner is the custodian of the church. Due to the dispute between two groups, the respondent police conducted peace committee meeting and closed the church and handed over the key to the 6th respondent and now the 6th respondent is not opening church and conducting prayers and thereby, the petitioner had approached the authorities to conduct a fresh peace committee meeting so as to open the church. Since no action has been taken for reopening the church, the present writ petition has been filed.



4.The 6th respondent has filed counter, wherein, it has been stated that the writ petition filed by the petitioner is not maintainable. The writ petitioner is not the custodian of the church and that the society has not authorised him represent the society and as such he does not have any *locus standi* to file the writ petition.

5.The learned counsel for the petitioner would submit that the church is built and owned by the Stewards Association of India and the management of the church vests with the management committee and the petitioner is trouble monger creating trouble between two groups of believers and in order to avoid problem between two group worshipers, the association has decided to close the church. He would further submit it is a private church and the 6th respondent cannot be compelled to open church and thereby, the respondent police and Tahisildar finding that it is a private church, have not interfered in the internal problem of the church.

6.The learned Government Advocate (criminal side) would submit that it is a private church since there was some problem between two groups of believers in the church an attempt was made by the authorities to bring peace between two groups of believers, however, since no consensus was arrived at, the parties were directed to approach the civil Court for seeking remedy.

7.Heard both sides and perused the materials available on records.

8. A Writ for Mandamus for direction to the police has only a limited scope, as when the Court is approached for protection of rights declared by a decree or by an order of a civil court and it cannot be extended to cases where rights have not been determined. The right of the petitioner has not been determined and moreover the petitioner has not satisfied, this Court with regard to his *locus standi* to file this writ petition.

9. Considering the above-stated facts and circumstances, this Court is of the opinion that the since the church is run by the Stewards Association of India represented by the 6th respondent, the petitioner does not have any *locus standi* to file this writ petition. Hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

1.The District Collector,
Tirunelveli.

2.The Revenue Divisional Officer,
Sankarankovil.

3.The Thasildar,
Sankarankovil Taluk.

4.The Superintendent of Police,
Tirunelveli District.

5.The Deputy Superintendent of Police,
Sankarankovil.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.M.D.POORNACHARI, Advocate (SR-3850[F] dated 30/01/2020)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-3980[F] dated 30/01/2020)

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KK/20.03.2020/ 4P- 10C