



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD).No.4128 of 2022

Christopher Jeyakumar

...Petitioner

Vs.

1. The Director General of Police,
Tamil Nadu,
Dr. Radhakrishnan Salai,
Mylapore, Chennai 4.
2. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
3. The Deputy Superintendent of Police,
Sathankulam,
Thoothukudi District.
4. The Inspector of Police,
Thattarmadam Police Station,
Thattarmadam,
Thoothukudi District.
5. The Church of India (CIPBC),
(Body Incorporated by Indian Church Act, 1927),
Represented by its Metropolitan,
Christ Church,
Mahatma Gandhi Marg,
Lucknow (U.P)-226001.
6. Church of South India,
Represented by its Moderator,
No.5, Whites Road, Royapettah,
Chennai 14.
7. S.Davidson Devasirvatham, IPS,
ADGP-IS,
Mylapore, Chennai 4.

8. Sundar

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd and 4th respondents to not to involve in civil dispute and to return the key of the buildings situated in Survey Number 330/3, 87 Cents and 4/2, 35 Cents, Mudalur Village, Sattankulam Taluk, Tuticorin District to the petitioner within



stipulated time based on the authorization of the 5th respondent's letter, dated 05.02.2022.

For Petitioner : Mr.T.A.Ebenezer
For R1 to R4 & R7 : Mr.A.Thiruvadikumar,
Additional Public Prosecutor
For R5 : Mr.K.R.Manimaran
For R6 : Mr.G.Prabhu Rajadurai
For R8 : Mr.R.Maheswaran

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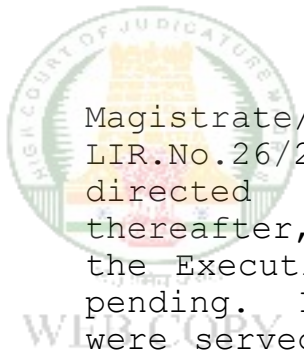
ORDER

The Writ Petition has been filed in the nature of Mandamus, seeking a direction to the respondents 3 and 4 not to involve in civil dispute and to return the key of the buildings situated in Survey Number 330/3, 87 Cents and 4/2, 35 Cents, Mudalur Village, Sattankulam Taluk, Tuticorin District to the petitioner.

2.The case of the petitioner is that the petitioner is a member of St.Michael and All Angels Church, Mudalur. In his village, all the properties and Church are situated in the properties of the Church of India. While being so, the Church of South India is destroying the traditions of CIPBC indirectly by introducing Thuthi Arathanai etc. All the church properties are being used for the welfare of the church and its members. However, in the name of South India, the traditions of CIPBC are being destroyed in their church and in its allied properties.

3.The property of the CIPBC Church in S.No.330/3 to an extent of 87 cents and the property comprised in S.No.4/2 to an extent of 35 cents situated at Mudalur Village, Sattankulam Taluk, Tuticorin District was possessed by his father with the permission of CIPBC to use the property. He has been conducting children's home through YMCA for the benefit of the school attached to the church. Due to Covid-19, the home was closed. After lifting the lock down, the petitioner made arrangements to run the home in the said property and wrote a letter to the Treasurer of the Church of South India to hand over the key to the CSI Priest. The petitioner also issued a legal notice. While being so, the respondents 7 and 8 along with the other rowdy elements had damaged the building and stolen the properties from the building and threatened the petitioner on 29.01.2022. On the complaint, the fourth respondent snatched the key of the building and directed the petitioner to come to the police station.

4.On perusal of the counter filed by the second respondent revealed that both the parties lodged complaints and they were issue CSR Nos.50 and 51 of 2022. On the CSR, an enquiry was conducted and revealed that the issue between the Church Council and the petitioner has been forwarded to the Sub-Divisional



Magistrate/Revenue Divisional Officer(RDO), Tiruchedur Vide LIR.No.26/2022 under Section 107 of Cr.P.C. Therefore, the RDO directed the Tahsildar, Sathankulam to conduct enquiry and thereafter, the keys of the entire building had been handed over to the Executive Magistrate/Tahsildar, Sathankulam and the enquiry is pending. In fact, the petitioner as well as the respondents 5 to 8 were served notice and the enquiry is pending under Section 107 of Cr.P.C.

5.On perusal of the counter filed by the sixth respondent revealed that the subject property belongs to the society for the propagation of the Gospel in foreign parts (SPG). In the year 1963, by a registered deed of transfer of Trust, the said SPG transferred its assets to the Church of South India Trust Association. It was registered vide Document No.4863/1963, which comprised of about 106 items of properties all over Tamil Nadu and neighboring States. The property comprised in S.No.330/3, measuring to an extent 1.14 acres and is lying as a vacant land, which is in the control of St.Micheal Church, Muthalur. Since it is a vacant land, the sixth respondent construct a compound wall in an around the said property. Further, in the other property comprised in S.No.4/2, measuring to an extent of 4.50 acres, the residence of the Paris Priest as well as the catechist is constructed along with four guest room and another hall. The rest of the area is used as playground for St.Micheal's Higher Secondary School.

6.Therefore, the petitioner with intention to grab the entire property seeks directions from this Court. Now, the enquiry is pending before the Executive Magistrate/Tahsildar, Sattankulam, under Section 107 of Cr.P.C.and no investigation is pending on the file of the respondents 3 and 4 herein. Therefore, the directions sought for in this petition cannot be granted. The writ petition stands dismissed. No costs.

7.However, the Executive Magistrate/Tahsildar, Sathankulam is directed to issue notice to the petitioner and the respondents 5 to 8 and complete the proceedings under Section 107 of Cr.P.C, within a period of eight weeks from the date of receipt of a copy of the order. It is also made clear that any of the party committed any offence with regards to the subject property, they are at liberty to lodge a separate complaint in the manner known to law.

Sd/-

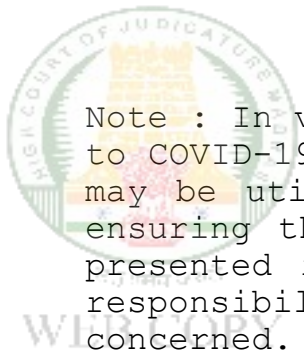
Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Director General of Police,
Tamil Nadu,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai 4.
2. The Superintendent of Police,
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Thoothukudi.
3. The Deputy Superintendent of Police,
Sathankulam,
Thoothukudi District.
4. The Inspector of Police,
Thattarmadam Police Station,
Thattarmadam.
5. The Executive Magistrate/Tahsildar,
Sathankulam.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-21591[F]
dated 27/04/2022)

W.P (MD) .No.4128 of 2022
26.04.2022

GM(CO)
GC(23.05.2022) 4P 8C