



W.P(MD)No.8143 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8143 of 2015

and

M.P(MD)No.1 of 2015

Pastor S.Sundarraaj - President,
New Jerusalem Church Society,
3-248A, South Chancelkarai,
Annanthan Nagar,
Asaripallam Post,
Nagercoil,
Agastheeswaram Taluk,
Kanyakumari District.

... Petitioner

Vs.

1.The Tahsildar-cum-Taluk Executive Magistrate,
Tuticorin,
Tuticorin District.

2.Daniel,
Pastor, New Jerusalem Church,
Arockiyapuram Ayyarvilai,
Tuticorin District.

3.A.Jasmine Stephen

... Respondents

(Respondent No.3 is impleaded vide Court order, dated 16.07.2015, in M.P(MD)No.2 of 2015 in W.P(MD)No.8143 of 2015)



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records in connection with the impugned order passed by the first respondent vide proceedings Na.Ka.A4/577/2015, dated 10.05.2015 and quash the same.

For Petitioner : M/s.C.Arulvadivel @ Sekar
For R-1 : M/s.M.Lingadurai
Special Government Pleader
For R-2 : M/s.G.S.Ashok Adhithyan
For R-3 : M/s.Sivakumar

ORDER

The present Writ Petition has been filed challenging an order passed by the first respondent herein, under which, he has adjudicated upon a private dispute within New Jerusalem Church Administration and religious activities.

2. A perusal of the impugned order indicates that a law and order problem has arisen with regard to the administration and the manner of conducting religious functions in New Jerusalem Church at



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Arockiyapuram, Ayyervilai, Tuticorin. A peace committee meeting was convened on 10.01.2015 at about 07.00 A.M. in the office of the first respondent herein and both the parties have appeared and they have expressed their conflicting opinions relating to the administration and conduct of religious functions. Instead of facilitating the conflicting parties to arrive at a settlement, the first respondent has proceeded to adjudicate upon the issue and he has passed an order that the second respondent shall be entitled to administer the said Church. He had also directed to conduct a general body meeting within a period of 45 days. Therefore, it is clear that instead of facilitating the conflicting parties, the first respondent has proceeded to adjudicate upon the issue and he had passed certain orders, as if he is a civil Court. The interim order is without jurisdiction and hence, the same is liable to be set aside.

3. In view of the above said facts, the order impugned in the writ petition is set aside. However, the parties are at liberty to approach the competent civil Court to redress their grievances.



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4. With the above said observation, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

18.11.2022

Index : Yes / No
Internet : Yes / No
btr

To

- 1.The Tahsildar-cum-Taluk Executive Magistrate,
Tuticorin,
Tuticorin District.
- 2.The Pastor, New Jerusalem Church,
Arockiyapuram Ayyarvilai,
Tuticorin District.



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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.8143 of 2015

18.11.2022