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W.P.(MD) No.27992 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD) No.27992 of 2024

Justus Rejo Velan

... Petitioner

-vs-

The Collector
Collector's Office
Nagercoil, Tamil Nadu-629 001

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the proceedings of the respondent in K.Dis.C1/E-2359216/2024 dated 15.11.2024 and quash the same and consequently allow the petitioner to attend the marriage preparation classes and proceed with the sacrament of marriage mass as on 22.11.2024 under the parish jurisdiction in St.Holy Family Church at Keela Ramanputhur and reception hall at St.Micheal Community Hall, Mela Asaripallam with all benefits.

For Petitioner : Mr.S.Vishnu Kanth

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader

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ORDER

Mr.S.Shanmugavel, learned Additional Government Pleader, takes notice for the respondent.

2. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed challenging the order dated 15.11.2024, passed by the respondent, thereby rejected the petitioner's request to conduct marriage in St.Holy Family Church at Keela Ramanputhur and reception in St.Michael Community Hall, Mela Asaripallam, Nagercoil.

4. The petitioner is a member of St.Michael Archangal Church, Mela Asaripallam, Nagercoil. His father was a Vice President of the said Church and he booked a reception hall in St.Michael Community Hall, Mela Asaripallam, Nagercoil and also paid advance. There was a dispute between the petitioner's father and the Bilshop of RC Catholic Bishop House, Kanyakumari District, towards Parish Council election held on 22.08.2022 in St.Michael Archangal Church, Mela Asaripallam. In the said election, the



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petitioner's father and other members were disqualified and therefore, they filed a civil suit in O.S.No.46 of 2023, before the Sub Court, Nagercoil, seeking to settle the dispute between the parties and the said suit is pending disposal. In such circumstances, the booking of reception hall by the petitioner was cancelled. Therefore, the petitioner submitted a representation to the revenue authorities. Since the said representation was kept pending without consideration, the petitioner filed W.P.(MD) No.17158 of 2024 before this Court. Pursuant to the directions issued by this Court in the said writ petition, the respondent, after conducting an enquiry, by the impugned order, rejected the petitioner's request on the ground that there is a dispute pending between the petitioner's father and the Parish Council and the respondent has no jurisdiction or power to direct the private person to book a marriage or reception hall. Challenging the order passed by the respondent, the petitioner has filed this writ petition.

5. Admittedly, St.Michael Church, Mela Asaripallam, Nagercoil, is a Private Church and there is a dispute between the petitioner's father and the Parish Council. Therefore, the petitioner's booking for reception was cancelled. In fact, the petitioner's father and other members, who were



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expelled from the membership of the said Church, filed O.S.No.46 of 2023, before the Sub Court, Nagercoil and it is pending. Further, the respondent also, on enquiry, found that the petitioner's father is an Ex-Vice President of the Parish Council and he has misappropriated 168 grams of gold and 1300 grams of silver and till date, he had not handed over the same to the new Vice President, though he was asked to hand over the same. Therefore, it is a private dispute between the petitioner's father and the Parish Council. It is their prerogative to give the marriage hall or reception hall to any third party. Hence, the respondent cannot interfere with the civil dispute pending between the petitioner's father and the Parish Council and accordingly, the respondent has rightly rejected the petitioner's request. This Court finds no illegality or infirmity in the impugned order passed by the respondent.

6. Accordingly, this writ petition is dismissed. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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G.K.ILANTHIRAIYAN, J.

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