



2026:KER:61759

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

THURSDAY, THE 13TH DAY OF AUGUST 2026/22ND SRAVANA, 1948

W.A.NO.378 OF 2023

AGAINST THE JUDGMENT DATED 31.01.2023 IN W.P(C).NO.11996 OF 2022
OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 12 TO 16:

- 1 FR. THOMAS PULAYATH
AGED 50 YEARS
S/O.KURIAN, PULAYATH HOUSE, AYAMPARA, KUNDUKAD P.O,
THRISSUR, PIN - 680028
- 2 T. T. PATHROSE
AGED 55 YEARS
S/O.THOMAS, THADIKKULANGARAYIL HOUSE, KARINKAYAM P.O,
PALAKKAD, PIN - 678706
- 3 BAIJU K. K
AGED 40 YEARS
S/O.KURUVILA, KUZHIKATTIL HOUSE, MALLUCODE,
ELAVAMPADAM P.O, PALAKKAD, PIN - 678684
- 4 JOY
AGED 61 YEARS
S/O.ULAHANNAN, APPATTUKUZHIYIL HOUSE, ELVAMPADAM P.O.,
KIZHAKENCHERY, PALAKKAD, PIN - 678684
- 5 K.C. PAULOSE
AGED 65 YEARS
S/O.CHACKO, KOLLARMALI HOUSE, ELAVAMPADAM P.O.,
KIZHAKENCHERY, PALAKKAD, PIN - 678684

BY ADV.SRI.K.RAMAKUMAR (SR.)
BY ADV.SRI.SREENATH VIJAYARAGHAVAN



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BY ADV.SRI.P.VIJAYARAGHAVAN ((PALAYIL)
BY ADV.SRI.P.V.ELIAS
BY ADV.SMT.ASWINI SANKAR R.S.
BY ADV.SRI.T.H.ARAVIND
BY ADV.SRI.S.M.PRASANTH

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 11, 17:

- 1 ST.THOMAS ORTHODOX SYRIAN CHURCH, CHERUKUNNAM,
(CHERUKUNNAM CHURCH), ELAVAMPADAM P.O ALATHUR,
ALATHUR TALUK, PALAKKAD DISTRICT - 678 684.
REPRESENTED BY ITS VICAR FR. POLY VARGHESE
- 2 FR.POLY VARGHESE,
AGED 54 YEARS
VICAR, ST. THOMAS ORTHODOX SYRIAN CHURCH, CHRUKUNNAM,
S/O.LATE VARGHESE, THELAPALLIL HOUSE, SOUTH KORATTY
P.O., THRISSUR-680308.
- 3 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT
OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 4 THE CHIEF SECRETARY
GOVT. OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 5 THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT
DEPARTMENT OF HOME, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001
- 6 THE DIRECTOR GENERAL OF POLICE AND STATE POLICE CHIEF
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695001
- 7 THE DISTRICT COLLECTOR
COLLECTORATE, PALAKKAD - 678001
- 8 THE DISTRICT POLICE CHIEF
DISTRICT POLICE OFFICE, PALAKKAD - 678001
- 9 SUB DIVISIONAL MAGISTRATE
REVENUE DIVISIONAL OFFICE, OTTAPALAM, PALAKKAD,
PIN - 679101



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- 0 REVENUE DIVISIONAL OFFICER
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
PALAKKAD - 678001
- 11 THE DEPUTY SUPERINTENDENT OF POLICE
ALATHUR P.O, PALAKKAD - 678541
- 12 THE CIRCLE INSPECTOR OF POLICE, (SHO)
MANGALAM DAM POLICE STATION, PALAKKAD - 678683
- 13 THE VILLAGE OFFICER
KIZHAKKENCHERY-II VILLAGE, PALAKKAD - 678541
- 14 N.M.MATHEW(DIED)
AGED 75 YEARS
S/O.MATHAI, PUTHENPURA HOUSE, ELAVAMPADAM P.O.,
VAKKALA, PALAKKAD-678706

BY ADV.SRI.S.SREEKUMAR (SR.)
BY ADV.SRI.ROSHEN.D.ALEXANDER
BY ADV.SRI.ALAN PAPALI
BY SRI.P.A.MOHAMMED SHAH, ADDL. ADVOCATE GENERAL
BY SRI.T.S.SHYAM PRASANTH, SENIOR GOVT. PLEADER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
04.08.2026 ALONG WITH W.A.NO.409 OF 2023 AND CONNECTED CASES,
THE COURT ON 13.08.2026 DELIVERED THE FOLLOWING:



2026:KER:61759

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

THURSDAY, THE 13TH DAY OF AUGUST 2026/22ND SRAVANA, 1948

W.A.NO.409 OF 2023

AGAINST THE JUDGMENT DATED 03.02.2023 IN W.P(C).NO.11705 OF 2022
OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS NO.10 TO 12:

- 1 FR. ANI JOHN
AGED 33 YEARS
S/O.LATE VJ KURIAKOSE (WRONGLY SHOWN AS FR ANIL JOHN,
S/O.LATE JOHN IN THE WRIT PETITION), VAINNILATHIL HOUSE
(WRONGLY SHOWN AS VANNILAM HOUSE IN THE WRIT PETITION)
MANNAMANGALAM PO, THRISSUR, PIN - 680014
- 2 T.C.GEEVARGHESE
AGED 78 YEARS
(WRONGLY SHOWN AS FR TC GEEVERGHESE IN THE WRIT
PETITION), S/O.CHACKO, THANNIKOT HOUSE, VENGASSERY,
KORANCHIRA, MOOLANGOT POST, PALAKKAD, PIN - 678684
- 3 ABRAHAM SKARIA
AGED 64 YEARS
(AGE IS WRONGLY SHOWN AS 58 IN THE WRIT PETITION)
S/O.SKARIA, PUTHUSSERY HOUSE, PATTAYAMPADAM,
KORANCHIRA PO, PALAKKAD, PIN - 678684

BY ADV.SRI.K.RAMAKUMAR (SR.)
BY ADV.SRI.SAJAN VARGHEESE K.
BY ADV.SRI.LIJU. M.P
BY ADV.SRI.JOPHY POTHEEN KANDANKARY

RESPONDENTS/PETITIONERS & RESPONDENTS NO.1 TO 9:

- 1 ST.MARY'S ORTHODOX SYRIAN CHURCH
ERICKINCHIRA, (ERICKINCHIRA CHURCH), KORENCHIRA POST,
KIZAKKENCHERRY-I VILLAGE, ALATHUR TALUK, PALAKKAD



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DISTRICT, REPRESENTED BY ITS VICAR FR.MATHAI
THOZHUTHUNGAL, PIN - 678684

- 2 FR. MATHAI THOZHUTHUNGAL
AGED 70 YEARS
S/O.LATE KURIAKOSE, VICAR, ST.MARY'S ORTHODOX SYRIAN
CHURCH, ERICKINCHIRA, (ERICKINCHIRA CHURCH), RESIDING
AT THOZHUTHUNGAL HOUSE, MUDAPALLUR PO, KADAMCODU,
PALAKKAD, PIN - 678705
- 3 FR. THOMAS JOHN
AGED 46 YEARS
S/O.JOHN, ASSISTANT VICAR, ST.MARY'S ORTHODOX SYRIAN
CHURCH, ERICKINCHIRA, (ERICKINCHIRA CHURCH), RESIDING
AT MOOTHANDETH HOUSE, CHELAKKODE PO, NEAR GOVT.
AYURVEDA, HOSPITAL, CHELAKKARA, THRISSUR, PIN - 680587
- 4 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO STATE OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 5 THE CHIEF SECRETARY
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 6 ADDITIONAL CHIEF SECRETARY TO GOVERNMENT
DEPARTMENT OF HOME, GOVERNMENT OF KERALA, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 7 THE DIRECTOR GENERAL OF POLICE AND STATE POLICE CHIEF
POLICE HEADQUARTERS, THIRUVANANTHAPURAM, PIN - 695001
- 8 THE DISTRICT COLLECTOR
COLLECTORATE, PALAKKAD, PIN - 678001
- 9 THE DISTRICT POLICE CHIEF
DISTRICT POLICE OFFICE, PALAKKAD, PALAKKAD DISTRICT,
PIN - 678001
- 0 REVENUE DIVISIONAL OFFICER
OFFICE OF THE REVENUE DIVISIONAL OFFICE, PALAKKAD,
PIN - 678001
- 11 THE DEPUTY SUPERINTENDENT OF POLICE
ALATHUR PO, PALAKKAD DISTRICT, KERALA, PIN - 678541
- 12 CIRCLE INSPECTOR OF POLICE (SHO)

W.A.Nos.378, 409, 437, 919,
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VADAKKANCHERY POLICE STATION, PALAKKAD, PIN - 678683

BY ADV.SRI.S.SREEKUMAR (SR.)
BY ADV.SRI.ROSHEN.D.ALEXANDER
BY SRI.P.A.MOHAMMED SHAH, ADDITIONAL ADVOCATE GENERAL
BY ADV.SRI.ALAN PAPALI
BY SRI.T.S.SHYAM PRASANTH, SENIOR GOVT. PLEADER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
04.08.2026, ALONG WITH W.A.NO.378 OF 2023 AND CONNECTED
CASES, THE COURT ON 13.08.2026 DELIVERED THE FOLLOWING:



2026:KER:61759

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

THURSDAY, THE 13TH DAY OF AUGUST 2026/22ND SRAVANA, 1948

W.A.NO.437 OF 2023

AGAINST THE JUDGMENT DATED 03.02.2023 IN W.P(C).NO.11685 OF 2022
OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 10 TO 13:

- 1 FR.VARGHESE PALATHINKAL
AGED 47 YEARS
S/O.KURIAKOSE, PALATHINKAL HOUSE, KAIRADY P.O,
PALAKKAD - 678510
- 2 FR.RAJU MARKOSE
AGED 57 YEARS
S/O.MARKOSE, PUTHUSSERY HOUSE, OLIMKADAVU P.O,
MANGALAMDAM, PALAKKAD, PIN - 678706
- 3 THANKACHAN M.A.
AGED 60 YEARS
S/O.LATE ABRAHAM, MANIELIL HOUSE, NELLIYAMKUNNU,
ALATHUR P.O, PALAKKAD, PIN - 678541
- 4 SHAJU MARKOSE
AGED 52 YEARS
S/O.MARKOSE, PUTHUSSERY HOUSE, OLIMKADAVU P.O,
MANGALAMDAM, PALAKKAD 678706

BY ADV.SRI.K.RAMAKUMAR (SR.)
BY ADV.SRI.SREENATH VIJAYARAGHAVAN
BY ADV.SRI.P.VIJAYARAGHAVAN ((PALAYIL)
BY ADV.SRI.P.V.ELIAS
BY ADV.SMT.ASWINI SANKAR R.S.
BY ADV.SRI.T.H.ARAVIND
BY ADV.SRI.S.M.PRASANTH



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RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 9:

- 1 ST. MARY'S ORTHODOX SYRIAN CHURCH
MANGALAM DAM POST, MANGALAM DAM VILLAGE, ALATHUR TALUK,
PALAKKAD DISTRICT - 678 706 REPRESENTED BY ITS VICAR
FR. MATHAI PANAMKUTTIYIL
- 2 FR. MATHAI PANAMKUTTIYIL
AGED 63 YEARS, S/O.P.M PURAVATH, VICAR, ST. MARY'S
ORTHODOX SYRIAN CHURCH, MANGALAM DAM, RESIDING AT
PANAMKUTTIYIL HOUSE, VADAKKENCHERRY, PALAKKAD DISTRICT,
PIN - 678683
- 3 FR. SAM VARGHESE
AGED 51 YEARS
ASSISTANT VICAR, ST. MARY'S ORTHODOX SYRIAN CHURCH
MANGALAM DAM, RESIDING AT ORTHODOX BISHOP'S HOUSE,
GEDSEEMON ARAMANA, MANNUTHY, THRISSUR, PIN - 680651
- 4 STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY
TO GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-685 001., PIN - 695001
- 5 THE CHIEF SECRETARY, GOVERNMENT DEPARTMENT OF HOME
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 6 THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT
DEPARTMENT OF HOME,
GOVERNMENT OF KERALA, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 7 THE DIRECTOR GENERAL OF POLICE AND STATE POLICE CHIEF,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695 001.
- 8 THE DISTRICT COLLECTOR,
COLLECTORATE, PALAKKAD - 678 001.
- 9 THE DISTRICT POLICE CHIEF,
DISTRICT POLICE OFFICE, PALAKKAD - 678 001.
- 0 REVENUE DIVISIONAL OFFICER,
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
PALAKKAD - 678 001.

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- 11 THE DEPUTY SUPERINTENDENT OF POLICE,
ALATHUR P.O., PALAKKAD - 678 541.
- 12 THE CIRCLE INSPECTOR OF POLICE,
(SHO), MANGALAM DAM POLICE STATION, PALAKKAD - 678 683.

BY ADV.SRI.ROSHEN.D.ALEXANDER
BY SRI.P.A.MOHAMMED SHAH, ADDITIONAL ADVOCATE GENERAL
BY SRI.T.S.SHYAM PRASANTH, SENIOR GOVT. PLEADER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
04.08.2026, ALONG WITH W.A.NO.378 OF 2023 AND CONNECTED
CASES, THE COURT ON 13.08.2026 DELIVERED THE FOLLOWING:



2026:KER:61759

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

THURSDAY, THE 13TH DAY OF AUGUST 2026/22ND SRAVANA, 1948

W.A.NO.919 OF 2023

AGAINST THE JUDGMENT DATED 13.04.2023 IN W.P(C).NO.12404 OF 2020
OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS NO.7 TO 9:

- 1 FR.PRINCE PONNACHAN
AGED 31 YEARS
ST STEPHEN'S JACOBITE CHURCH, ALUMMOODU PO, .
MUKHATHALA, KOLLAM, PIN - 691577
- 2 SANTHOSH KOSHY
AGED 40 YEARS
S/O. Y KOSHY, PUNNAVILA SANTHOSH BHAVAN, PALAMUKKU,
KANNANLLOOR PO, KOLLAM, PIN - 691576
- 3 JACOB
AGED 68 YEARS
S/O. MATHEW VAIDYAN, JINCY BHAVAN, KANNANLLOOR PO,
KOLLAM-691576

BY ADV.SRI.SAJAN VARGHEESE K.
BY ADV.SRI.LIJU. M.P

RESPONDENTS/PETITIONERS/RESPONDENTS NO.1 TO 6:

- 1 ST STEPHEN'S ORTHODOX SYRIAN CHURCH
MUKHATHALA, KANNANALLOOR POST, KOLLAM - 691576
REP. BY THE VICAR, FR MATHEW ABRAHAM,
S/O LATE M ABRAHAM, AGED 53, KIZHAKKEDATH BETHEL,
PERUMPUZHA PO, KOLLAM DISTRICT - 691504
- 2 FR MATHEW ABRAHAM
AGED 53 YEARS



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S/O LATE M ABRAHAM, KIZHAKKEDATH BETHEL, PERUMPUZHA PO,
KOLLAM DISTRICT, PIN - 691504

- 3 STATE OF KERALA
REP. BY THE CHIEF SECRETARY TO STATE OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695001
- 4 THE DISTRICT COLLECTOR
CIVIL STATION, KOLLAM, PIN - 691001
- 5 THE STATE POLICE CHIEF
POLICE HEADQUARTERS, THIRUVANANTHAPURAM, PIN - 695001
- 6 THE CITY POLICE COMMISSIONER
KOLLAM, PIN - 691001
- 7 THE ASSISTANT POLICE COMMISSIONER
CHATHANNUR, KOLLAM, PIN - 691572
- 8 THE STATION HOUSE OFFICER
KANNANALLUR POLICE STATION, KANNANALLUR, KOLLAM,
PIN - 691576

BY ADV.SRI.SAJAN VARGHESE K.
BY ADV.SRI.YASHWANTH SHENOY
BY ADV.SRI.V.L.SHENOY
BY SRI.P.A.MOHAMMED SHAH, ADDITIONAL ADVOCATE GENERAL
BY SRI.T.S.SHYAM PRASANTH, SENIOR GOVT. PLEADER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
04.08.2026, ALONG WITH W.A.NO.378 OF 2023 AND CONNECTED
CASES, THE COURT ON 13.08.2026 DELIVERED THE FOLLOWING:



2026:KER:61759

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

THURSDAY, THE 13TH DAY OF AUGUST 2026/22ND SRAVANA, 1948

W.A.NO.941 OF 2023

AGAINST THE JUDGMENT DATED 13.04.2023 IN W.P(C).NO.18091 OF 2020
OF HIGH COURT OF KERALA

APPELLANT/10TH RESPONDENT:

JIBI M.BABY
AGED 46 YEARS
S/O.BENNY, MENOTH MALIL HOUSE, IRINGOLE, PERUMBAVOOR
VILLAGE, KUNNATHUNADU TALUK, ERNAKULAM, PIN - 683545

BY ADV.SRI.M.RAMESH CHANDER (SR.)
BY ADV.SRI.SAJI VARGHESE KAKKATTUMATTATHIL
BY ADV.SRI.S.VINOD BHAT

RESPONDENTS/PETITIONERS & RESPONDENTS 1 TO 9, 11 TO 16:

- 1 ST.MARYS ORTHODOX CHURCH (ODAKKALI PALLI)
ODAKKALI P.O., ARAKKAPADY VILLAGE, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT - 683547, REPRESENTED BY ITS
DIOCESAN METROPOLITAN REV.FR.GEORGE PATALATTU.
- 2 REV.FR.GEORGE PATALATTU
VICAR APPOINTED THE DIOCESAN METROPOLITAN ST.MARY'S
CORTHODOX CHURCH, ODAKKALI, RESIDING AT PATALATTU HOUSE,
WEST VENGOLA POST, VENGOLA KARA, ARAKKAPPADY,
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT - 683547
- 3 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY TO STATE OF KERALA,
GOVERNMENT SECRETARIAT , THIRUVANANTHAPURAM - 695001
- 4 THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695001



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- 5 THE INSPECTOR GENERAL OF POLICE
CENTRAL ZONE, ERNAKULAM RANGE, PIN - 682031
- 6 THE DISTRICT COLLECTOR
COLLECTORATE, ERNAKULAM, PIN - 682030
- 7 THE DISTRICT POLICE CHIEF
ERNAKULAM RURAL, ALUVA, ERNAKULAM DISTRICT, PIN - 683101
- 8 THE DEPUTY SUPERINTENDENT OF POLICE
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE, ALUVA,
PIN - 683101
- 9 REVENUE DIVISIONAL OFFICER
OFFICE OF THE RDO, ALUVA, PIN - 683101
- 0 CIRCLE INSPECTOR OF POLICE (SHO)
KURUPPAMPADY POLICE STATION, KURUPPAMPADY (PO),
ERNAKULAM., PIN - 683545
- 11 FR.JOBY VARGHESE
S/O.VARGHESE, URAPPAL HOUSE, PUNNORPPADI BHAGAM,
MULAVOOR, THRIKKALATHOOR KARA, ERNAKULAM., PIN - 686673
- 12 E.G.GEORGEKUTTY
EDAKUDY HOUSE, METHALA KARA, METHALA P.O., ASAMANOOR
VILLAGE, KUNNATHUNADU TALUK, ERNAKULAM - 683545
- 13 MAR THOMAS DIONYSINE
RESIDING AT PARTRIARKIS CENRE, PUTHENCROUZ VILLAGE,
KUNNATHUNADU TALUK, ERNAKULAM, PIN - 682308
- 14 ROY VARGHESE
S/O.VARGHESE, MENOTHMALIL HOUSE, ODAKKALI KARA,
ASAMANOOR VILLAGE, KUNNATHUNADU TALUK, ERNAKULAM.,
PIN - 683549
- 15 BASIL M.ELDHOSSE
AGED 36 YEARS
S/O. M.P. ELDHOSSE, MUKALATH HOUSE, ODAKALY,
PERUMBAVOOR, ERNAKULAM., PIN - 683549
- 16 PAUL VARGHESE
AGED 63 YEARS, PRESIDENT, JACOBITE ALMAYA FORUM,
REG.NO.112/IV/16, S/O.VARGHESE, RESIDING AT

W.A.Nos.378, 409, 437, 919,
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KURUVICHARANGARA HOUSE, PATTIMATTOM.P.O., ERNAKULAM.,
PIN - 683562

17 K.A.JOHN
AGED 73 YEARS
S/O.LATE ABRAHAM, KUMBALASSERIL HOUSE, PIRAVOM,
ERNAKULAM DISTRICT., PIN - 686664

BY ADV.SRI.S.SREEKUMAR (SR.)
BY ADV.SRI.ROSHEN.D.ALEXANDER
BY SRI.P.A.MOHAMMED SHAH, ADDITIONAL ADVOCATE GENERAL
BY SRI.T.S.SHYAM PRASANTH, SENIOR GOVT. PLEADER
BY ADV.SRI.SUNIL JACOB
BY ADV.SRI.P.THOMAS GEEVERGHESE

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
04.08.2026 ALONG WITH W.A.NO.378 OF 2023 AND CONNECTED
CASES, THE COURT ON 13.08.2026 DELIVERED THE FOLLOWING:



2026:KER:61759

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

THURSDAY, THE 13TH DAY OF AUGUST 2026/22ND SRAVANA, 1948

W.A.NO.942 OF 2023

AGAINST THE JUDGMENT DATED 13.04.2023 IN W.P(C).NO.2810 OF 2022
OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 7, 11 AND 13:

- 1 N. K. BABU
AGED 64 YEARS
S/O. KURIEN, RESIDING AT NJALUPARAMBIL HOUSE,
KAKKOOR PO, KOOTHATTUKULAM, ERNAKULAM DISTRICT,
PIN - 686662
- 2 N.S. GEORGE
AGED 65 YEARS
S/O. SKARIAH, NIRAVATH HOUSE, KAKKOOR PO,
KOOTHATTUKULAM, ERNAKULAM DISTRICT, PIN - 686662
- 3 P. A. JOHN
AGED 69 YEARS
S/O. ABRAHAM, PULPARAYIL HOUSE, MANNATHOOR P.O.,
KOOTHATTUKULAM, ERNAKULAM DISTRICT, PIN - 686672

BY ADV.SRI.K.C.ELDHO
BY ADV.SRI.S.BIJILAL
BY ADV.SMT.ALMAJITHA FATHIMA

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 6, 8 TO 10, 12 AND 14:

- 1 ST. MARY'S ORTHODOX SYRIAN CHURCH
ATTINKUNNU, KAKOOR P.O., PIN - 686662 REPRESENTED
BY ITS TRUSTEE, SRI.SAJU VARGHESE, S/O.VARGHESE,
AGED 60 YEARS, MADATHIL HOUSE, KAKKOOR PO,
KOOTHATTUKULAM, ERNAKULAM DISTRICT, PIN 686 662



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- 2 FR. BINOY BIJU @ FR. ZACARIAH GEORGE
AGED 30 YEARS, S/O.BIJU GEORGE, RESIDING AT
NIRAVEL PUTHEN VEEDU, OLIAPPURAM PO, KIZHAKOMBU,
VADAKAR, PIN - 686662, ASSISTANT VICAR, ST. MARY'S
ORTHODOX SYRIAN CHURCH, ATTINKUNNU, KAKOOR P.O
- 3 THE STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 4 THE DISTRICT COLLECTOR
ERNAKULAM, CIVIL STATION, KAKKANADU, PIN - 682030
- 5 THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM, PIN - 695001
- 6 THE DISTRICT POLICE CHIEF (RURAL)
SH 16, OPP. POWER HOUSE, ALUVA , KERALA, PIN - 683101
- 7 THE DEPUTY SUPERINTENDENT OF POLICE
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
PUTHENCROUZ, PO, ERNAKULAM DISTRICT, PIN - 682308
- 8 THE STATION HOUSE OFFICER
KOOHATTUKULAM POLICE STATION, KOOHATTUKULAM,
ERNAKULAM DISTRICT, PIN - 686662
- 9 BABU MATHEW
S/O. MATHEW, CHIRAKKEKUDIYIL HOUSE, KAKKOOR PO,
KOOHATTUKULAM, ERNAKULAM DISTRICT, PIN - 686662
- 0 GEORGE JOSEPH
S/O. JOSEPH, CHIRAKKEKUDIYIL HOUSE, KAKKOOR PO,
KOOHATTUKULAM, ERNAKULAM DISTRICT, PIN - 686662
- 11 T. K. RAJU
S/O. KURIAKOSE, THOTTAPPILLIL HOUSE PAMPAKUDA PO,
PAMPAKKUDA, ERNAKULAM DISTRICT, PIN - 686667
- 12 MANOJ JOSEPH
S/O. JOSEPH, THILAPPILLIMARIYIL HOUSE, KAKKOOR PO,
KOOHATTUKULAM, ERNAKULAM DISTRICT, PIN - 686662
- 13 SKARIAH ABRAHAM
S/O. ABRAHAM, APPALIKUNNEL HOUSE, KAKKOOR PO,
KOOHATTUKULAM, ERNAKULAM DISTRICT, PIN - 686662

W.A.Nos.378, 409, 437, 919,
941, 942 & 1023 of 2023

:: 17 ::



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BY ADV.SRI.S.SREEKUMAR (SR.)
BY ADV.SRI.ROSHEN.D.ALEXANDER
BY SRI.P.A.MOHAMMED SHAH, ADDITIONAL ADVOCATE GENERAL
BY SRI.T.S.SHYAM PRASANTH, SENIOR GOVT. PLEADER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
04.08.2026 ALONG WITH W.A.NO.378 OF 2023 AND CONNECTED CASES,
THE COURT ON 13.08.2026 DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

THURSDAY, THE 13TH DAY OF AUGUST 2026/22ND SRAVANA, 1948

W.A.NO.1023 OF 2023

AGAINST THE JUDGMENT DATED 03.02.2023 IN W.P(C).NO.11685 OF 2022
OF HIGH COURT OF KERALA

APPELLANT/3RD PARTY:

PERUMPALLY MOR GRIGORIOS METROPOLITAN TRUST
REP. BY ITS MANAGING TRUSTEE, VIZ. H.G THOMAS MOR
THEMOTHEOS, AGED 64 YEARS, S/O KURIAN KURUVILLA,
RESIDING AT GREGORIOSE CHURCH THUTHOOTTY NEAR
MANARCARD, KOTTAYAM, PIN - 686019

BY ADV.SRI.RAJU JOSEPH (SR.)
BY ADV.SRI.J.JULIAN XAVIER
BY ADV.SRI.FIROZ K.ROBIN
BY ADV.SRI.ROY JOSEPH
BY ADV.SMT.ANIES MATHEW
BY ADV.SMT.ANJANA RAM
BY ADV.SRI.NIRMAL KURIEN EAPEN

RESPONDENTS/PETITIONER 1 TO 3 & RESPONDENTS 1 TO 13 IN THE WRIT
PETITION:

- 1 ST. MARY'S ORTHODOX SYRIAN CHURCH
MANGALAM DAM POST, MANGALAM DAM VILLAGE, ALATHUR TALUK,
PALAKKAD, PIN - 678706
- 2 FR. MATHAI PANAMKUTTIYIL
S/O P.M PURAVATH, VICAR, ST. MARY'S ORTHODOX SYRIAN
CHURCH, MANGALAM DAM, RESIDING AT PANAMKUTTIYIL (H) ,
VADAKKANCHERRY, PALAKKAD, PIN - 678683
- 3 FR. SAM VARGHESE
ASSISTANT VICAR, ST. MARY'S ORTHODOX SYRIAN CHURCH,



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MANGALAM DAM, RESIDING AT ORTHODOX'S BISHOP'S HOUSE,
GEDSEEMON ARAMANA, MANNUTHY, THRISSUR, PIN - 680651

- 4 STATE OF KERALA
REP. BY THE CHIEF SECRETARY TO STATE OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 5 THE CHIEF SECRETARY
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 6 ADDITIONAL CHIEF SECRETARY TO GOVERNMENT
DEPARTMENT OF HOME, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 7 THE DIRECTOR GENERAL OF POLICE AND STATE POLICE CHIEF
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM, PIN - 695001
- 8 THE DISTRICT COLLECTOR
COLLECTORATE, PALAKKAD, PIN - 678001
- 9 THE DISTRICT POLICE CHIEF
DISTRICT POLICE OFFICE, PALAKKAD, PIN - 678001
- 0 REVENUE DIVISIONAL OFFICER
OFFICE OF THE REVENUE DIVISIONAL OFFICER,
PALAKKAD, PIN - 687001
- 11 THE DEPUTY SUPERINTENDENT OF POLICE
ALATHUR P.O, PALAKKAD, PIN - 678541
- 12 CIRCLE INSPECTOR OF POLICE
(SHO), MANGALAM DAM POLICE STATION, PALAKKAD,
PIN - 678706
- 13 FR. VARGHESE PALATHINKAL
S/O KURIAKOSE, PALATHINKAL (H), KAIRADY P.O,
PALAKKAD, PIN - 678510
- 14 FR. RAJU MARKOSE
S/O MARKOSE, PUTHUSSERY (H), OLIMKADAVU P.O, MANGALAM,
PALAKKAD, PIN - 678706
- 15 THANKACHAN M.A
S/O ABRAHAM (LATE), MANIELIL (H), NELLIYAMKUNNU,



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ALATHUR P.O, PALAKKAD, PIN - 678541

16 SHAJU MARKOSE
 S/O MARKOSE, PUTHUSSERY (H), OLIMKADAVU P.O,
 MANGALAM, PALAKKAD, PIN - 678706

BY ADV.SRI.ROSHEN.D.ALEXANDER
BY ADV.SRI.SREENATH VIJAYARAGHAVAN
BY ADV.SMT.TINA ALEX THOMAS
BY ADV.SRI.HARIMOHAN
BY ADV.SRI.P.VIJAYARAGHAVAN ((PALAYIL)
BY ADV.SRI.P.V.ELIAS
BY ADV.SRI.S.M.PRASANTH
BY ADV.SMT.ASWINI SANKAR R.S.
BY ADV.SRI.T.H.ARAVIND

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
04.08.2026 ALONG WITH W.A.NO.378 OF 2023 AND CONNECTED CASES,
THE COURT ON 13.08.2026 DELIVERED THE FOLLOWING:



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"C.R."**J U D G M E N T****Dr. A.K. Jayasankaran Nambiar, J.**

As all these appeals impugn the judgments of a learned Single Judge that allowed writ petitions seeking police protection to prevent the appellants and their men from violating the directions and declarations of the Supreme Court in **K.S. Varghese v. St. Peter's and St. Paul's Syrian Orthodox Church - [(2017) 15 SCC 333]**, they are taken up together for consideration and disposed by this common judgment.

2. The writ petitioners were constituent parish Churches of the Malankara Orthodox Syrian Church and the Vicars of those Churches appointed as per the 1934 Constitution of the Malankara Orthodox Church. Consequent to the declaration of law by the Supreme Court in **K.S. Varghese [supra]**, they moved this Court for an order of police protection to prevent the appellants herein from acting contrary to the directions in **K.S. Varghese [supra]** and for incidental directions to the appellants herein to hand over the possession of the Church and its properties to the writ petitioners so that they could conduct religious services therein. The directions of the Supreme Court in **K.S. Varghese [supra]** were as follows:



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"228. Resultantly, based on the aforesaid findings in the judgment, our main conclusions, inter alia, are as follows:

228.1. Malankara Church is Episcopal in character to the extent it is so declared in the 1934 Constitution. The 1934 Constitution fully governs the affairs of the Parish Churches and shall prevail.

228.2. The decree in the 1995 judgment is completely in tune with the judgment. There is no conflict between the judgment and the decree.

228.3. The 1995 judgment arising out of the representative suit is binding and operates as res judicata with respect to the matters it has decided, in the wake of provisions of Order I Rule 8 and Explanation 6 to Section 11 CPC. The same binds not only the parties named in the suit but all those who have interest in the Malankara Church. Findings in earlier representative suit, i.e., Samudayam suit are also binding on Parish Churches/Parishioners to the extent issues have been decided.

228.4. As the 1934 Constitution is valid and binding upon the Parish Churches, it is not open to any individual Church, to decide to have their new Constitution like that of 2002 in the so - called exercise of right under Article 25 and Article 26 of the Constitution of India. It is also not permissible to create a parallel system of management in the churches under the guise of spiritual supremacy of the Patriarch.

228.5. The Primate of Orthodox Syrian Church of the East is Catholicos. He enjoys spiritual powers as well, as the Malankara Metropolitan. Malankara Metropolitan has the prime jurisdiction regarding temporal, ecclesiastical and spiritual administration of Malankara Church subject to the riders provided in the 1934 Constitution.

228.6. Full effect has to be given to the finding that the spiritual power of the Patriarch has reached to a vanishing point. Consequently, he cannot interfere in the governance of Parish Churches by appointing Vicar, Priests, Deacons, Prelates (High Priests), etc. and thereby cannot create a parallel system of administration. The appointment has to be made as per the power conferred under the 1934 Constitution on the concerned Diocese, Metropolitan, etc. concerned.

228.7. Though it is open to the individual member to leave a Church in exercise of the right not to be a member of any Association and as per Article 20 of the Universal Declaration of Human Rights, the Parish Assembly of the Church by majority or otherwise cannot decide to move church out of the Malankara Church. Once a trust, is always a trust.

228.8. When the Church has been created and is for the benefit of the beneficiaries, it is not open for the beneficiaries, even by a majority, to usurp its property or management. The Malankara Church is in the form of a trust in which, its properties have vested. As per the 1934 Constitution, the parishioners though may individually leave the Church, they are not permitted to take the movable or immovable properties out of the ambit of 1934 Constitution without the approval of the Church hierarchy.

228.9. The spiritual power of Patriarch has been set up by the appellants clearly in order to violate the mandate of the 1995 judgment of this Court which is binding on the Patriarch, Catholicos and all concerned.

228.10. As per the historical background and the practices which have been noted, the Patriarch is not to exercise the power to appoint Vicar, Priests, Deacons, Prelates etc. Such powers are reserved to other authorities in the Church hierarchy. The Patriarch, thus, cannot be permitted to exercise the power in violation of the 1934 Constitution to create a parallel system of administration of Churches as done in 2002 and onwards.

228.11. This Court has held in 1995 that the unilateral exercise of such power by the Patriarch was illegal. The said decision has also been violated. It was only in the alternative this Court held in the 1995 judgment that even if he has such power, he could not have exercised the same unilaterally which we have explained in this judgment.

228.12. It is open to the Parishioners to believe in the spiritual supremacy of Patriarch or apostolic succession but it cannot be used to appoint Vicars, Priests, Deacons,



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Prelates, etc. in contravention of the 1934 Constitution.

228.13. Malankara Church is episcopal to the extent as provided in the 1934 Constitution, and the right is possessed by the Diocese to settle all internal matters and elect their own Bishops in terms of the said Constitution.

228.14. Appointment of Vicar is a secular matter. There is no violation of any of the rights encompassed under Article 25 and Article 26 of the Constitution of India, if the appointment of Vicar, Priests, Deacons, Prelates (High Priests), etc. is made as per the 1934 Constitution. The Patriarch has no power to interfere in such matters under the guise of spiritual supremacy unless the 1934 Constitution is amended in accordance with law. The same is binding on all concerned.

228.15. Udampadis do not provide for appointment of Vicar, Priests, Deacons, Prelates etc. Even otherwise once the 1934 Constitution has been adopted, the appointment of Vicar, Priests, Deacons, Prelates (high priests), etc. is to be as per the 1934 Constitution. It is not within the domain of the spiritual right of the Patriarch to appoint Vicar, Priests etc. The spiritual power also vests in the other functionaries of Malankara Church.

228.16. The functioning of the Church is based upon the division of responsibilities at various levels and cannot be usurped by a single individual howsoever high he may be. The division of powers under the 1934 Constitution is for the purpose of effective management of the Church and does not militate against the basic character of the church being Episcopal in nature as mandated thereby. The 1934 Constitution cannot be construed to be opposed to the concept of spiritual supremacy of the Patriarch of Antioch. It cannot as well, be said to be an instrument of injustice or vehicle of oppression on the Parishioners who believe in the spiritual supremacy of the Patriarch.

228.17. The Church and the cemetery cannot be confiscated by anybody. It has to remain with the parishioners as per the customary rights and nobody can be deprived of the right to enjoy the same as a parishioner in the Church or to be buried honourably in the cemetery, in case he continues to have faith in the Malankara Church. The property of the Malankara Church in which is also vested the property of the Parish Churches, would remain in trust as it has for the time immemorial for the sake of the beneficiaries and no one can claim to be owners thereof even by majority and usurp the Church and the properties.

228.18. The faith of Church is unnecessarily sought to be divided vis-à-vis the office of Catholicos and the Patriarch as the common faith of the Church is in Jesus Christ. In fact an effort is being made to take over the management and other powers by raising such disputes as to supremacy of Patriarch or Catholicos to gain control of temporal matters under the garb of spirituality. There is no good or genuine cause for disputes which have been raised.

228.19. The authority of Patriarch had never extended to the government of temporalities of the Churches. By questioning the action of the Patriarch and his undue interference in the administration of Churches in violation of the 1995 judgment, it cannot be said that the Catholicos faction is guilty of repudiating the spiritual supremacy of the Patriarch. The Patriarch faction is to be blamed for the situation which has been created post 1995 judgment. The property of the Church is to be managed as per the 1934 Constitution. The judgment of 1995 has not been respected by the Patriarch faction which was binding on all concerned. Filing of writ petitions in the High Court by the Catholicos faction was to deter the Patriarch/his representatives to appoint the Vicar, etc. in violation of the 1995 judgment of this Court.

228.20. The 1934 Constitution is enforceable at present and the plea of its frustration or breach is not available to the Patriarch faction. Once there is Malankara Church, it has to remain as such including the property. No group or denomination by majority or otherwise can take away the management or the property as that would virtually tantamount to illegal interference in the management and illegal usurpation of its properties. It is not open to the beneficiaries even by majority to change the nature of the Church, its property and management. The only method to change management is to amend the Constitution of 1934 in accordance with law. It is not open to the Parish Churches to even frame bye-laws in violation of the provisions of the 1934 Constitution.



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228.21. The Udampadies of 1890 and 1913 are with respect to administration of Churches and are not documents of the creation of the Trust and are not of utility at present and even otherwise cannot hold the field containing provisions inconsistent with the 1934 Constitution, as per Section 132 thereof. The Udampady also cannot hold the field in view of the authoritative pronouncements made by this Court in the earlier judgments as to the binding nature of the 1934 Constitution.

228.22. The 1934 Constitution does not create, declare, assign, limit or extinguish, whether in present or future any right, title or interest, whether vested or contingent in the Malankara Church properties and only provides a system of administration and as such is not required to be registered. In any case, the Udampadis for the reasons already cited, cannot supersede the 1934 Constitution only because these are claimed to be registered.

228.23. In otherwise episcopal Church, whatever autonomy is provided in the Constitution for the Churches is for management and necessary expenditure as provided in Section 22, etc.

228.24. The formation of 2002 Constitution is the result of illegal and void exercise. It cannot be recognised and the parallel system created thereunder for administration of Parish Churches of Malankara Church cannot hold the field. It has to be administered under the 1934 Constitution.

228.25. It was not necessary, after amendment of the plaint in Mannathur Church matter, to adopt the procedure once again of representative suit under Order I Rule 8 CPC. It remained a representative suit and proper procedure has been followed. It was not necessary to obtain fresh leave.

228.26. The 1934 Constitution is appropriate and adequate for the management of the Parish Churches, as such, there is no necessity of framing a scheme under Section 92 of CPC.

228.27. The plea that in the face of the prevailing dissension between the two factions and the remote possibility of reconciliation, the religious services may be permitted to be conducted by two Vicars of each faith cannot be accepted as that would amount to patronising parallel systems of administration.

228.28. Both the factions, for the sake of the sacred religion they profess and to pre-empt further bickering and unpleasantness precipitating avoidable institutional degeneration, ought to resolve their differences if any, on a common platform if necessary by amending the Constitution further in accordance with law, but by no means, any attempt to create parallel systems of administration of the same Churches resulting in law and order situations leading to even closure of the Churches can be accepted."

3. It would appear that in an earlier round of litigation, similar writ petitions seeking police protection orders were filed at the instance of the Orthodox faction of the Church, and the said writ petitions were disposed by a learned Single Judge by issuing directions to grant police protection as prayed for. When the said directions were not complied with by the official respondents of the State, on the ground that any attempt at enforcing the directions of the writ court would lead to a law



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and order situation of dangerous proportions, Contempt petitions were filed by the said writ petitioners. Those Contempt petitions were disposed by the learned Single Judge by directing the District Collectors of Ernakulam and Palakkad to take over possession of the respective Churches. The appeals filed against the said judgment of the learned Single Judge were also dismissed by a Division Bench of this Court vide judgment dated 17.10.2024 in Contempt Appeal (C).No.8 of 2024 and connected cases. However, in the SLPs preferred against the said judgment, at the instance of the officials of the State and others, the Supreme Court set aside the judgment dated 17.10.2024 of this Court and remitted the matter to this Court to decide the matter afresh taking note of the following directions that were issued by the Supreme Court in its order dated 30.01.2025:

“12. It seems to us that the High Court, while entertaining the contempt proceedings and before issuing the directions, which can have far-reaching consequences, ought to have determined some of the most relevant issues, such as;

- (i) What is the true import of the principles laid down or issues determined by this Court in the cited decisions;
- (ii) Who are the parties that shall be bound by the dictum of this Court in the cited decisions;
- (iii) Whether the decree, which attained finality, has been satisfied/fulfilled;
- (iv) If not, which part of the decree remains unfulfilled, and what remedial action in that regard is required to be taken;
- (v) What is the legal effect of the Kerala Right to Burial of Corpse in Christian (Malankara Orthodox-Jacobite) Cemeteries Act, 2020;
- (vi) What is the legal impact of the 2020 Act on the contempt proceedings; and
- (vii) Should a High Court in a dispute relating to religious affairs direct the Civil Administration to take over physical possession of the religious places, and if so, to what extent such like intervention would be necessitated in public interest?

13. Since we find that all these questions would require a fresh consideration by the High Court, we deem it appropriate to set aside the impugned order(s) dated 17.10.2024 and remit the matters to the Division Bench of the Kerala High Court to decide the controversy afresh after hearing all the parties concerned.

14. Parties shall appear before the High Court on 24.02.2025.

15. It is clarified that we have not expressed any opinion on the merits of the controversy. The interim protection granted to the officers of the State Government from their personal appearance shall continue to operate till the matter is decided by the High Court afresh.



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16. The High Court will be free to pass appropriate orders for the enforcement of the Court orders, if it is found to have been willingly and deliberately not given effect in its true letter and spirit.

17. The appeals are disposed of in the above terms. Pending applications are disposed of."

4. The judgments impugned in these appeals were passed at a point in time when the Contempt appeals in the earlier round of litigation were pending before the Division Bench of this Court. The learned Single Judge in the impugned judgments, therefore, took the same view as that taken by the learned Single Judge in the earlier round of litigation and found that in view of the declaration by the Supreme Court in **K.S. Varghese [supra]**, the writ petitioners were entitled to an order of police protection as prayed for, and also for incidental directions to the appellants herein to hand over possession of the Churches to the writ petitioners.

5. During the pendency of these Writ Appeals, a Co-ordinate Bench of this Court considered the Contempt appeals that were remitted to this Court for fresh consideration by the Supreme Court vide its order dated 30.01.2025 noticed above. The Contempt appeals were disposed by the Co-ordinate Bench vide its judgment dated 24.03.2026, by specifically dealing with each of the issues flagged by the Supreme Court. In these appeals, we need concern ourselves only with the findings of the Co-ordinate Bench on the issue of "Should a High Court in a dispute relating to religious affairs direct the Civil Administration to take over physical possession of the religious places, and if so, to what extent such



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intervention would be necessitated in the public interest ?” Referring to the decisions of the Supreme Court in **Marthoman Church, Mulanthuruthy and Others v. State of Kerala and Others - [2020 (3) KHC 448]**, **P.R. Murlidharan v. Swami Dharmananda Theertha Padar - [(2006) 4 SCC 501]**, **Moran M. Baselios Marthoma Mathews II v. State of Kerala - [(2007) 6 SCC 517]**, the Co-ordinate Bench observed that there could not be any doubt whatsoever that a prayer for issuance of a writ of mandamus may be granted against the State, commanding it to perform its legal duties when it fails and/or neglects to do so. However, the Court, in the garb of rendering a decision on that limited aspect, was not expected to go into disputed questions of title and/or interpretation of a judgment of the Apex Court wherefor other remedies were available. The Court found as follows in paragraphs 171, 173 and 174:

“171. In *K.S. Varghese* [(2017) 15 SCC 333], the Apex Court noticed that the majority view in the 1995 judgment - *Most Rev. P.M.A. Metropolitan* [(1995) Supp. 4 SCC 286] - refused to give a declaration with respect to property in the absence of Parish Churches. As held by the Apex Court in *K.S. Varghese* [(2017) 15 SCC 333], the properties would always remain as Malankara Church properties. It has to remain in the Malankara Church. Neither the Church nor the Cemetery can be confiscated by anybody. It has to remain with Parishioners as per the customary rights, and nobody can be deprived of the right one enjoys being a Parishioner in the Church or to be buried honourably in the cemetery, in case he continues to have faith in Malankara Church. Only office-holders have to subscribe to the 1934 Constitution as held by the Court. In a dispute relating to the religious affairs of a Church, which is a Parish Church governed by the 1934 Constitution, the High Court cannot direct the Civil Administration to take over possession of the Church. In appropriate cases, when repeated disobedience of the decree passed by the competent court has resulted in a law and order situation, the High Court, being the constitutional court, can render justice by granting police protection to ensure that there are no law and order issues in the conduct of religious services and other affairs in the said Church, in accordance with the 1934 Constitution. As held by the Apex Court in *Moran M. Baselios Marthoma Mathews II* [(2007) 6 SCC 517], after referring to the concurring opinion of *Balasubramanyan, J.* in *P.R. Murlidharan* [(2006) 4 SCC 501], it would be an abuse of process for a writ petitioner to approach the High Court under Article 226 of the Constitution of India seeking a writ of mandamus directing the police authorities to protect his claimed possession of a property without first establishing his possession in an appropriate civil court.



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173. By the order dated 30.01.2025 in SLP(C)Nos.26064-69 of 2024 and connected matters, while remitting Cont.App.No.8 of 2024 and connected matters to this Court to decide the controversy afresh, after hearing all the parties concerned, the Apex Court directed this Court to determine the relevant issues enumerated in paragraph 12 of the said order; which includes, (i) What is the true import of the principles laid down or issues determined by the Apex Court in K.S. Varghese [(2017) 15 SCC 333], Mathews Mar Koorilos [(2018) 9 SCC 672] and St. Mary's Orthodox Church [(2020) 18 SCC 329]; and (ii) Who are the parties that shall be bound by the dictum of the Apex Court in the said decisions. Issue No.(i) has been answered hereinbefore at paragraphs 93, 94, 96, 97 and 99. Issue No.(ii) has also been answered hereinbefore at paragraph 134. On issue No.(ii), this Court held that, in K.S. Varghese [(2017) 15 SCC 333], the interests represented by the plaintiffs and defendants in the suits filed under Order I Rule 8 and Sections 26 and 92 of the Code relate to the disputes in the management of Kolenchery Church, Varikoli Church and Mannathoor Church. The interests represented by the plaintiffs and the defendants in those original suits were confined to the disputes in the management of respective Churches. The Parishioners of the respective Churches alone are bound by the decree passed by the Apex Court in the said decisions. In K.S. Varghese [(2017) 15 SCC 333], the Apex Court noticed that the majority view in the 1995 judgment - Most Rev. P.M.A. Metropolitan [(1995) Supp. 4 SCC 286] - refused to give a declaration with respect to property in the absence of Parish Churches. In K.S. Varghese [(2017) 15 SCC 333], the interests represented by the plaintiffs and defendants in the suits filed under Order I Rule 8 and Sections 26 and 92 of the Code relate to the disputes in the management of Kolenchery Church, Varikoli Church and Mannathoor Church. The interests represented by the plaintiffs and the defendants in those original suits were confined to the disputes in the management of respective Churches. The Parishioners of the respective Churches alone are bound by the decree passed by the Apex Court in the said decisions. Though the law laid down by the Apex Court in K.S. Varghese [(2017) 15 SCC 333], which was found by the Three Judge Bench in Mathews Mar Koorilos [(2018) 9 SCC 672], well in consonance with the decisions in Moran Mar Basselios Catholicos [AIR 1959 SC 31] and Most Rev. P.M.A. Metropolitan [(1995) Supp. 4 SCC 286], shall apply in the resolution of disputes relating to the management of Parish Churches governed by the 1934 Constitution, it cannot be contended that the decree in K.S. Varghese [(2017) 15 SCC 333] applies to all constituent Parish Churches of Malankara Orthodox Syrian Church, and that the said decree remains unsatisfied insofar as those Parish Churches wherein parallel services are being conducted, and the administration is being conducted in violation of the law laid down in Most Rev. P.M.A. Metropolitan [(1995) Supp. 4 SCC 286] and K.S. Varghese [(2017) 15 SCC 333].

174. As held by this Court on issue No.(ii), in K.S. Varghese [(2017) 15 SCC 333], the interests represented by the plaintiffs and defendants in the suits filed under Order I Rule 8 and Sections 26 and 92 of the Code relate to the disputes in the management of Kolenchery Church, Varikoli Church and Mannathoor Church. Since the interests represented by the plaintiffs and the defendants in those original suits were confined to the disputes in the management of respective Churches, the Parishioners of the respective Churches alone are bound by the decree passed by the Apex Court in the said decisions. Though the law laid down by the Apex Court in the said decision, shall apply in the resolution of disputes relating to the management of Parish Churches governed by the 1934 Constitution, it cannot be contended that the decree in the said suits applies to all constituent Parish Churches of Malankara Orthodox Syrian Church. As held by the Apex Court in Moran M. Baselios Marthoma Mathews II [(2007) 6 SCC 517], a writ petition under Article 226 of the Constitution of India seeking police protection, cannot be a substitute for a civil suit in which disputed questions in regard to title of the properties or the right of one group against the other in respect of the management of a church could be decided. In view of the aforesaid conclusion on issue No.(ii), we find no reason to sustain the directions contained in the impugned order dated 30.08.2024 of the learned Single Judge in Cont.Case (C)Nos.1761 of 2023 and connected matters."

6. Thus, the view of the Co-ordinate bench is that while the declaration in **K.S. Varghese [supra]** can be used to resolve disputes regarding the management of the Church in question, when it comes to



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enforcement of a civil right, such as a right to possession of the properties of the Church, police protection orders can be passed only if there is a violation of a decree of a civil court that has adjudicated the said right. We find ourselves in complete agreement with the said finding of the Co-ordinate bench and the reasons for the same.

7. In the appeals before us, we find that in W.A.Nos.378 of 2023, 409 of 2023 and 437 of 2023, the civil suits filed before the 1st Additional District Judge, Ernakulam were struck off from the files after revoking the leave granted under Section 92 of the Code of Civil Procedure and the appeals against the strike off orders were also dismissed vide a common order dated 10.07.2018 of this Court in F.A.O.No.96 of 2018 and connected cases. When the matter was thereafter carried further to the Supreme Court, the Civil Appeals were disposed by an order dated 26.02.2019 stating that inasmuch as the decision in **K.S. Varghese [supra]** had already declared the law on the subject, and a multiplicity of proceedings was to be avoided, no further directions were required to be passed in the SLP's. There was therefore no adjudication of the dispute that was sought to be raised through the civil suits. In W.A.No.919 of 2023, the injunction suit [O.S.No.937 of 1974 before the Munsiff Court, Kollam] that was decreed was not filed as a representative suit and hence the decree that was passed therein was personal to the decree holder, as held in **Narayanan M.V. & Ors. v. Periyadan Narayanan Nair & Ors - [2021 (3) KHC 211]**. The said decree holder having died during the



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pendency of the appeal, the proceedings stood abated at the appellate stage. In W.A.No.942 of 2023, O.S.No.2 of 1994 that was filed as a representative suit was decreed based on a settlement arrived at between the parties and hence there was no occasion for an adjudication of disputes regarding possession of Church properties. A subsequent suit [O.S.No.27 of 2009] filed for an injunction against the appellants was only *vis-a-vis* the Church itself and did not include the chapels under the Church which were situated in other places. There was therefore no civil proceedings initiated or pending in respect of the properties [Chapels] in relation to which the police protection orders were passed by the learned Single Judge in the judgment impugned in the said appeal.

8. Thus, in all of the aforementioned writ appeals [W.A.Nos.378 of 2023, 409 of 2023, 437 of 2023, 919 of 2023 and 942 of 2023], the writ petitioners had approached this Court for an order of police protection based solely on the judgment of the Supreme Court in **K.S. Varghese [supra]** which only declared the law on the aspect of management of the Church in question. With regard to the other factual aspects that could have a bearing on the legality of the possession of property, including the question as to whether or not the property in question actually belonged to the Church, there was no evidence based adjudication before a civil court of competent jurisdiction. As observed by the Co-ordinate bench in its judgment referred above, it would be an abuse of the process to permit a person to approach the High Court under Article 226 for a writ



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of mandamus directing the police authorities to protect his claimed possession of a property without first establishing his possession in an appropriate civil court. We therefore allow the aforementioned writ appeals by following the reasoning in the judgment of the Co-ordinate bench referred above.

9. As for W.A.No.941 of 2023, we find that O.S.No.30 of 2019 that was filed before the 1st Additional District Court, Ernakulam is still pending and is presently at the stage of trial and evidence is being led by the parties. The writ petition seeking police protection was filed when multiple interlocutory orders of the civil court [Exts.P3, P4, P5, P6, P8 & P9] in the pending suit, directing the grant of police protection were met with non-compliance by the police authorities. The writ court, however, granted directions for police protection that expanded the scope of the orders passed by the District court in the pending suit. Thus, while the directions for police protection, to the extent they covered the directions already issued by the civil court in the suit, cannot be said to be illegal so as to warrant an interference in these proceedings, taking note of the wide nature of the relief granted by the learned Single Judge in the impugned judgment, coupled with the fact that the suit has now advanced to the stage of trial, we deem it apposite to set aside the impugned judgment of the learned Single Judge and allow the writ appeal by following the reasoning in the judgment of the Co-ordinate bench referred above.



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10. Lastly, with respect to W.A.No.1023 of 2023, we find that the judgment impugned in the said writ appeal is the same as that which is impugned in W.A.No.437 of 2023. While we have already set aside the said judgment while allowing W.A.No.437 2023, we find that W.A.No.1023 of 2023 has to be dismissed as not maintainable because it is filed by third parties who were not parties in the writ petition, but claim to be the “real office-bearers” of the appellant Church. We are not inclined to adjudicate the said unsubstantiated and vague claim raised by the appellants in W.A.No.1023 of 2023 in these proceedings, and hence, we dismiss the said writ appeal as not maintainable.

11. We therefore allow W.A.Nos.378 of 2023, 409 of 2023, 437 of 2023, 919 of 2023, 941 of 2023 and 942 of 2023, and dismiss the corresponding writ petitions, making it clear that nothing in this judgment shall stand in the way of the respondent/writ petitioners approaching the Civil Court for an adjudication of their claim for possession over Church properties. W.A.No.1023 of 2023 is dismissed as not maintainable.

Postscript:

12. During the hearing of these appeals, this Court had enquired with the Additional Advocate General Sri.Mohammed Shah P.A., who was appearing on behalf of the State as to whether any proactive steps could



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be taken by the State Government to bring an end to the strife between the two rival factions of the Malankara Syrian Church. Our query was one that stemmed from our exasperation on realising that notwithstanding a resolution of the legal disputes between the two factions, their continuing and differing perspectives on various issues, both spiritual and temporal, would continue unabated for a long time to come. We felt that it was incumbent on the State Government, under such circumstances, to intervene in the matter and take proactive steps to prevent and quell the frequent law and order situation that the people of the State are exposed to.

13. In response to our query, the learned Additional Advocate General has today filed a statement on behalf of the State Government which reads as follows:

"2. It is submitted that there are, in all, seven Writ Appeals, being W.A.Nos.378, 409, 437, 919, 941, 942 and 1023 of 2023, relating to disputes concerning six churches. Of these, three churches are situated in Palakkad District, two in Ernakulam District and one in Kollam District.

3. The dispute is regarding the administration of Malankara Churches, between Orthodox and Jacobite factions who were having common allegiance to Patriarch of Antioch. Both the factions arrayed before this Hon'ble Court are constituents of that one ancient Church, and both have, over the centuries, made contributions of enduring value to the people of this State in the fields of education, healthcare, charity and social reform, their institutions serving persons of every community without distinction. The State holds both factions in the highest regard and regards them as an inseparable part of the spiritual and cultural inheritance of Kerala whose origin traces to the mission of St. Thomas the Apostle in AD 52.

4. It is respectfully submitted that it is in that background that the State views the present differences with concern. These differences have persisted for nearly a century, and successive rounds of litigation spanning several generations have caused distress and sufferings to the faithful of both factions, have on occasion given rise to situations affecting public order, and have failed to bring lasting peace to either. It is further submitted that there are in this State about 1,100 churches of the Malankara Church, held either by the Jacobite faction or by the Orthodox faction.

5. It is submitted that the Government has accordingly proposed to initiate a process of mediation at the highest level. The Hon'ble Chief Minister has personally taken up the matter, and the Government proposes to engage in discussions with the denominational heads of both the Orthodox and the Jacobite



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factions and will be taking earnest efforts to bring both factions to the table for an amicable settlement of their long-standing disputes.

6. It is respectfully submitted that the Government will endeavour to secure the participation of both factions in the process, mediation between two denominations, and that any settlement arrived at will be placed before this Hon'ble Court. The Government is hopeful that the process will bring these long-standing differences to a close across the Malankara Church as a whole, and thereby restore to the faithful of both factions ultimate peace, which the prolonged conflict has denied them."

The above statement is recorded, and these Writ Appeals are closed with the hope that the measures proposed by the State Government would yield effective results.

We are aware that, in matters of governance, it is preferable for a State to adhere to the neutrality principles that call for restraint and non-interference by the State in religious matters save in cases where they entail infringement of the rights of citizens in respect of temporal subjects. However, when disputes arise among the citizenry on such matters, leading to law and order situations affecting the public at large, then it becomes the duty of the State to intervene through mediation, conciliation or, as a last resort, through executive action or even legislation, so as to ensure lasting peace and social order among the public at large.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
PREETA A.K.
JUDGE

prp/



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APPENDIX OF W.A.NO.1023 OF 2023PETITIONERS ANNEXURES:

ANNEXURE A	TRUE COPY OF THE TRUST DEED WITH REGISTRATION NO. 2209/1/76 DATED 26.06.1976
ANNEXURE B	A TRUE COPY OF THE MINUTES OF THE GOVERNING BODY OF THE TRUST DATED 18.03.1999
ANNEXURE C	TRUE COPY OF THE SALE DEED NO. 6785/1977 DATED 11.02.1977
ANNEXURE D	TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE VILLAGE OFFICER, MANGALAM DAM VILLAGE, DATED 14.02.2023
ANNEXURE E	TRUE COPY OF THE BASIC TAX RECEIPT DATED 11.11.2021 ISSUED BY THE VILLAGE OFFICER, MANGALAM DAM VILLAGE
ANNEXURE F	TRUE COPY OF THE BASIC TAX RECEIPT DATED 07.02.2023 ISSUED BY THE VILLAGE OFFICER, MANGALAM DAM VILLAGE
ANNEXURE G	TRUE COPY OF THE ORDER BEARING NO.89/81C ISSUED BY GEEVARGHESE MOR GREGORIOSE METROPOLITAN DATED 14.07.1981
ANNEXURE G(1)	TYPED COPY OF ANNEXURE.G
ANNEXURE H	TRUE COPY OF THE LETTER DATED ISSUED BY MOR THOMAS DIONYSIUS METROPOLITAN DATED 29.03.1986
ANNEXURE H(1)	TYPED COPY OF ANNEXURE H
ANNEXURE I	TRUE COPY OF THE LETTER DATED 15.09.1988 ISSUED BY MOR THOMAS DIONYSIUS METROPOLITAN
ANNEXURE I(1)	TYPED COPY OF ANNEXURE.I
ANNEXURE J	TRUE COPY OF THE PROCEEDING NO.41/89 DATED 03.06.1989 ISSUED BY MOR THOMAS DIONYSIUS METROPOLITAN
ANNEXURE J(1)	TYPED COPY OF ANNEXURE.J
ANNEXURE K	TRUE COPY OF THE PROCEEDING NO.19/90 (TCR) DATED 24.02.1990 ISSUED BY MOR THOMAS OTHATHEOS METROPOLITAN
ANNEXURE K(1)	TYPED COPY OF ANNEXURE.K
ANNEXURE L	TRUE COPY OF THE PROCEEDING NO.18/93 DATED 09.12.1993 ISSUED BY MOR MILITHOS YOHANNAN METROPOLITAN
ANNEXURE L(1)	TYPED COPY OF ANNEXURE.L
ANNEXURE M	TRUE COPY OF THE PROCEEDING NO.34/97 DATED 18.03.1997 ISSUED BY MOR THOMAS MILITHOS

W.A.Nos.378, 409, 437, 919,
941, 942 & 1023 of 2023

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	YOHANNAN METROPOLITAN
ANNEXURE N	TRUE COPY OF THE LAST PROCEEDINGS NO.T11/2022 ISSUED BY MOR CLEMIS KURIAKOSE METROPOLITAN ISSUED ON 25.06.2022
ANNEXURE O	A TRUE COPY OF THE ORDER IN CONT. CASE (C) NO. 329 OF 2024 IN WP (C) NO 11685 /2022 DATED 28.05.2024

RESPONDENTS ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE