

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 1<sup>ST</sup> DAY OF APRIL 2024 / 12TH CHAITHRA, 1946

WP(C) NO. 4859 OF 2024

PETITIONERS:

- 1 ST. ANTONY'S FORANE CHURCH,  
KIZHAKAMBALAM, ERNAKULAM,  
REPRESENTED ITS TRUSTEE,  
SRI. JOY GEORGE, PIN - 683562.
- 2 SRI. JOY GEORGE @ JOY VARGHESE,  
AGED 60 YEARS, S/O MARCY,  
MUTTAMHOTTIL HOUSE, KIZHAKAMBALAM,  
ERNAKULAM, PIN - 683562.

BY ADVS.  
ENOCH DAVID SIMON JOEL  
S.SREEDEV  
RONY JOSE  
DERICK MATHAI SAJI  
KARAN SCARIA ABRAHAM

RESPONDENTS:

- 1 DISTRICT POLICE CHIEF (RURAL)  
SH 16, OPP. POWER HOUSE, ALUVA,  
ERNAKULAM, PIN - 683101.
- 2 STATION HOUSE OFFICER,  
KUNNATHUNADU POLICE STATION,  
ERNAKULAM, PIN - 683562.
- 3 BABY ANTONY, AGED 71 YEARS  
S/O ANTONY, VADAKKUMCHERY HOUSE,  
KIZHAKAMBALAM, ERNAKULAM, PIN - 683562.
- 4 POULOSE ANTONY, AGED 75 YEARS  
S/O ANTONY, VADAKKUMCHERY HOUSE,  
KIZHAKAMBALAM, ERNAKULAM, PIN - 683562.
- 5 SIJOMON JOHNSON, AGED 46 YEARS  
S/O JOHNSON PARAKKAL HOUSE, THURUTHUKARA ROAD,  
KIZHAKAMBALAM, ERNAKULAM, PIN - 683562.
- 6 GEORGE ANTONY, AGED 58 YEARS,

S/O ANTONY, KUPPYIL EDAKKALA HOUSE,  
THURUTHUKARA ROAD, KIZHAKAMBALAM,  
ERNAKULAM, PIN - 683562.

- 7 JOY ANTONY, AGED 66 YEARS  
S/O ANTONY, KUPPYIL EDAKKALA HOUSE,  
THURUTHUKARA ROAD, KIZHAKAMBALAM,  
ERNAKULAM, PIN - 683562.

BY ADVS.  
ADV. P.G. JAYASHANKAR  
P.K.RESHMA (KALARICKAL) (K/875/2014)  
S.RAJEEV (K/001711/2019) (K/001711/2019)  
SAJANA V.H(K/1174/2021)  
SHAIJU GEORGE(K/001271/2021)  
AADERSH R.S. PANICKER(K/1255/2021)  
PUSHPAVATHI.K(K/832/2004)  
SRI T.S.SYAMPRESANTH-GP;

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 01.04.2024, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

**JUDGMENT**

The controversy in this case between the parties is as to how the rituals are to be conducted in the 1<sup>st</sup> petitioner - Church.

2. I do not propose to go into the details of the rival contentions because, it was conceded by the learned counsel on both sides, when this matter was called today, that civil cases have been filed by respondents 3 to 7 before a competent Civil Court, which is still pending, *qua* the same issue.

3. Sri.T.S.Syamprashanth - learned Government Pleader, submitted that, since the parties are at war with respect to the manner of conduct of rituals in the Church, the Police have little role to play; but that they are maintaining law and order on a regular basis, without allowing any person to commit any act of breach of peace. He submitted that the Police

will abide by any direction to be issued by this Court or by the competent Civil Court; and thus prayed that this Writ Petition be dismissed, or ordered only on such terms.

4. Sri.P.G.Jayashankar - learned counsel appearing for respondents 3 to 7, pertinently submitted that his clients have no intention of causing any obstruction to the conduct of rituals in the Church; but that the attempt of the 2<sup>nd</sup> petitioner to conduct it in violation of the instruction given by the 'Holy See' is peremptorily illegal and unlawful. He affirmed that his clients have, therefore, approached a competent Civil Court for orders and that the Suit is still pending.

5. It is thus obvious that, on issues relating to the conduct of rituals in the Church, this Court cannot intervene, while acting under Article 226 of the Constitution of

India, particularly when the parties are already litigating it before the competent Civil Court.

6. As far as the Police are concerned, they have to ensure that the internecine issues between the parties do not degenerate into a law and order issue; and that neither of them is allowed to take law into their own hands.

In the afore circumstances, I allow this Writ Petition, recording the afore submissions of the rival parties, as also that of the learned Government Pleader; thus consequentially directing the 2<sup>nd</sup> respondent to ensure that law and order is maintained in the Church at every point of time; and that none of the parties - be that the petitioners or the party respondents - are allowed to take law into their own hands, or to commit any action which would be in violation of law.

As far as the parties are concerned, their

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remedies before the Civil Court are fully reserved; for which purpose, their rival contentions in that regard are left undecided.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

akv

APPENDIX OF WP(C) 4859/2024

PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF THE PETITION DATED 26.01.2024 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P1(A) A TRUE COPY OF THE RECEIPT DATED 27.01.2024 ISSUED TO EXT.P1.

RESPONDENT EXHIBITS

EXHIBIT R3(A) A TRUE COPY OF THE CAVEAT OP NO. 18 OF 2024 FILED ON BEHALF OF ST. ANTONYS FORANE CHURCH, KIZHAKKAMBALAM, BEFORE THE MUNSIF COURT, PERUMBAVOOR

EXHIBIT R3(B) A TRUE COPY OF THE EXHORTATION BY HIS HOLINESS THE POPE DATED 03.07.2021

EXHIBIT R3(C) A TRUE COPY OF THE LETTER DATED 09.06.2021 ISSUED BY THE CONGREGATION OF ORIENTAL CHURCHES SEEKING THE PROMPT IMPLEMENTATION OF THE THAKSA

EXHIBIT R3(D) A TRUE COPY OF THE DECREE BEARING NO. PROT NO. 0775/2021 DATED 08.09.2021 ISSUED BY THE MAJOR ARCHBISHOP OF THE SYRO MALABAR CHURCH

EXHIBIT R3(E) THE DIRECTIONS DATED 17.08.2023 ISSUED BY THE PONTIFICAL DELEGATE TO THE ARCHEPARCHY OF ERNAKULAM-ANGAMALY

EXHIBIT R3(F) THE MESSAGE DATED 07.12.2023 ADDRESSED BY HIS HOLINESS THE POPE TO THE ARCHEPARCHY OF ERNAKULAM-ANGAMALY OF THE SYRO-MALABAR CHURCH AS AVAILABLE FROM ITS OFFICIAL WEBSITE, [HTTPS://WWW.VATICAN.VA/CONTENT/FRANCESCO/EN/MESSAGES/PONT-MESSAGES/2023/DOCUMENTS/20231207-VIDEOMESSAGGIO-](https://www.vatican.va/content/francesco/en/messages/pont-messages/2023/documents/20231207-VIDEOMESSAGGIO-)

[SIROMALABARES.I.PDF](#)

- EXHIBIT R3(G) THE CIRCULAR BEARING NO. 2/2024 DATED 15.01.2024 ISSUED BY THE APOSTOLIC ADMINISTRATOR, ALONG WITH THE APPEAL BY THE SYNOD OF BISHOPS, AS AVAILABLE FROM THE OFFICIAL WEBSITE OF ARCHDIOCESE OF ERNAKULAM ANGAMALY [HTTP://WWW.ERNAKULAMARCHDIOCESE.ORG](http://www.ernaikulamarchdiocese.org),
- EXHIBIT R3(H) A TRUE COPY OF THE INJUNCTION ORDER DATED 13.03.2024 PASSED BY THE COURT OF MUNSIF, ERNAKULAM
- EXHIBIT R3(I) A TRUE COPY OF THE PLAINT IN OS NO. 48 OF 2024 ON THE FILES OF THE MUNSIF COURT, PERUMBAVOOR