



2024:KER:77264

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 17TH DAY OF OCTOBER 2024/ 25TH ASWINA, 1946

CON.APP(C) NO. 8 OF 2024

AGAINST THE ORDER DATED 30.08.2024 IN Con.Case(C) NO.1761

OF 2023 OF THE HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 2 TO 4 AND 6:

- 1 FR. K. K. MATHEWS, SON OF KURIAKOSE
AGED 61 YEARS, KUZHUVELIPPURAM HOUSE,
PALLARIMANGALAM P.O., POTHANIKAD, PIN - 686671.
- 2 NOBY SCARIA
AGED 51 YEARS
SON OF SCARIA, CHENAYAPPILLIL HOUSE, KADAVOOR
P.O., KADAVOOR, PIN - 686671.
- 3 ELDHOSE VARGHESE,
AGED 72 YEARS, SON OF VARGHESE, PUTHUSSERIYIL
HOUSE, PARAMBANCHERI, PULINTHANAM P.O.,
POTHANICADU, MUVATTUPUZHA, ERNAKULAM DISTRICT,
KERALA, PIN - 686671.



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

4 **BABU JOHN**
 AGED 51 YEARS
 SON OF JOHN, VELLAKKALLEL, PULINTHANAM P.O.,
 PULINTHANAM, ERNAKULAM, PIN - 686671.

BY ADVS.
K.RAMAKUMAR (SR.)
S.M.PRASANTH
T.RAMPRASAD UNNI
ASWINI SANKAR R.S.
SHEHIN S.

RESPONDENTS/PETITIONERS, RESPONDENTS 1, 5 AND ADDL.R7:

- 1 **REV. FR. C. K. ISSAC COR EPISCOPA,**
 AGED 79 YEARS
 SON OF KURIAKOSE, VICAR, ST. JOHN'S BESPAGE
 ORTHODOX SYRIAN CHURCH, RESIDING AT
 CHENAYAPPILLIL HOUSE, PARAMBANCHERRY,
 PULINTHANAM P.O., POTHANICADU, MUVATTUPUZHA,
 ERNAKULAM DISTRICT, KERALA, PIN - 686671.

- 2 **REV. FR. P. V. PHILIP,**
 AGED 74 YEARS
 SON OF POTHEN ASSISTANT VICAR, ST. JOHN'S
 BESPAGE ORTHODOX SYRIAN CHURCH, RESIDING AT
 ARIMAPANCHIRAYIL HOUSE, PULINTHANAM P.O.,
 POTHANICADU, MUVATTUPUZHA, ERNAKULAM DISTRICT,
 KERALA, PIN - 686671.

- 3 **SHIBIN K.A.**
 PRESENTLY OFFICIATING AS THE INSPECTOR OF
 POLICE STATION AND STATION HOUSE OFFICER,
 POTHANIKAD POLICE STATION, MUVATTPUZHA,
 ERNAKULAM DISTRICT, KERALA, PIN - 686671.

- 4 **BASIL MATHEW**
 SON OF MATHEW, UNNAMTHUVEETTIL HOUSE,
 POTHANIKKAD P.O., ERNAKULAM, PIN - 686672.



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Con.App.(C) Nos.8, 9, 10, 11, 12,
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5 THE DISTRICT COLLECTOR,
COLLECTORATE, ERNAKULAM, PIN - 682030.

BY ADVS.

SRI.S.SREEKUMAR (SR)

ROSHEN D. ALEXANDER

T.S.SHYAM PRASANTH, GOVERNMENT PLEADER

SHRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL

THIS CONTEMPT APPEALS (CIVIL) HAVING COME UP FOR
FINAL HEARING ON 01.10.2024, ALONG WITH
Con.APP(C).9/2024, 10/2024 AND CONNECTED CASES, THE COURT
ON 17.10.2024 DELIVERED THE FOLLOWING:



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 17TH DAY OF OCTOBER 2024/ 25TH ASWINA, 1946

CON.APP(C) NO. 9 OF 2024

AGAINST THE ORDER DATED 30.08.2024 IN Con.Case(C) NO.299

OF 2024 OF THE HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 10 TO 14:

- 1 FR. THOMAS PULAYATH
AGED 50 YEARS
PULAYATH HOUSE, AYAMPARA, KUNDUKAD P.O,
THRISSUR, PIN - 680028.
- 2 T.T.PATHROSE,
AGED 55 YEARS
THADIKKULANGARAYIL HOUSE, KARINKAYAM P.O,
PALAKKAD, PIN - 678684.
- 3 BAIJU K.K
AGED 40 YEARS
KUZHIKATTIL HOUSE, MALLUCODE, ELAVAMPADAM P.O,
PALAKKAD, PIN - 678684.
- 4 JOY
AGED 61 YEARS
APPATTUKUZHIYIL HOUSE, ELVAMPADAM P.O.,
KIZHAKENCHERY, PALAKKAD, PIN - 678684.



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

5 K.C. PAULOSE
AGED 65 YEARS
KOLLARMALI HOUSE, ELAVAMPADAM P.O.,
KIZHAKKENCHERY, PALAKKAD, PIN - 678684.

BY ADVS.
SREENATH VIJAYARAGHAVAN
P.VIJAYARAGHAVAN ((PALAYIL)
P.V.ELIAS
S.M.PRASANTH
VISHNU SATHEESAN

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 11:

- 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, PIN - 678684.
- 2 FR.POLY VARGHESE,
AGED 54 YEARS,
THELAPPILLIL HOUSE, SOUTH KORATTY P.O.,
THRISSUR, PIN - 680308.
- 3 DR VENU V., IAS
PRESENTLY OFFICIATING AS THE CHIEF SECRETARY TO
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 4 T K JOSE IAS (CORRECTED)
PRESENTLY OFFICIATING AS ADDITIONAL CHIEF
SECRETARY TO GOVERNMENT DEPARTMENT OF HOME,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 5 SHEIKH DARVESH SHAHIB
PRESENTLY OFFICIATING AS THE DIRECTOR GENERAL
OF POLICE AND STATE POLICE CHIEF, POLICE HEAD
QUARTERS, THIRUVANANTHAPURAM, PIN - 695001.



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 6 DR S CHITRA IAS
PRESENTLY OFFICIATING AS THE DISTRICT
COLLECTOR, COLLECTORATE, PALAKKAD,
PIN - 678001.
- 7 R ANAND IPS
PRESENTLY OFFICIATING AS THE DISTRICT POLICE
CHIEF DISTRICT POLICE OFFICE, PALAKKAD,
PIN - 678001.
- 8 DR AMRITHAVALLI P
PRESENTLY OFFICIATING AS THE SUB DIVISIONAL
MAGISTRATE REVENUE DIVISIONAL OFFICE,
OTTAPALAM, PALAKKAD, PIN - 679101.
- 9 ASHOKAN R
PRESENTLY OFFICIATED AS THE DEPUTY
SUPERINTENDENT OF POLICE ALATHUR P.O, PALAKKAD,
PIN - 678541.
- 0 SHABEER S
PRESENTLY OFFICIATING AS THE CIRCLE INSPECTOR
OF POLICE, (SHO) MANGALAM DAM POLICE STATION,
PALAKKAD, PIN - 678683.
- 11 RAMANKUTTTY K
PRESENTLY OFFICIATING AS VILLAGE OFFICER
KIZHAKKENCHERY-II VILLAGE, PALAKKAD,
PIN - 678541.

SRI.S.SREEKUMAR (SR.)
ROSHEN D. ALEXANDER
T.S.SHYAM PRASANTH, GOVERNMENT PLEADER
SHRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL

THIS CONTEMPT APPEALS (CIVIL) HAVING COME UP FOR
FINAL HEARING ON 01.10.2024, ALONG WITH Con.APP(C).8/2024
AND CONNECTED CASES, THE COURT ON 17.10.2024 DELIVERED
THE FOLLOWING:



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 17TH DAY OF OCTOBER 2024/ 25TH ASWINA, 1946

CON.APP(C) NO. 10 OF 2024

AGAINST THE ORDER DATED 30.08.2024 IN Con.Case(C) NO.329

OF 2024 OF THE HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 10 TO 12:

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

BY ADVS.

SREENATH VIJAYARAGHAVAN

P.VIJAYARAGHAVAN ((PALAYIL)

P.V.ELIAS

S.M.PRASANTH



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 8:

- 1 ST. MARY'S ORTHODOX SYRIAN CHURCH, MANGALAM DAM POST, MANGALAM DAM VILLAGE, ALATHUR TALUK, PALAKKAD DISTRICT, REPRESENTED BY ITS VICAR FR. MATHAI PANAMKUTTIYIL, PIN - 678706.
- 2 2. FR. MATHAI PANAMKUTTIYIL, AGED 63 YEARS S/O. P.M PURAVATH, VICAR, ST. MARYS ORTHODOX SYRIAN CHURCH, MANGALAM DAM, RESIDING AT PANAMKUTTIYIL HOUSE, VADAKKENCHERRY, PALAKKAD DISTRICT, PIN - 683678.
- 3 FR. SAM VARGHESE, AGED 51 YEARS ASSISTANT VICAR, ST. MARYS ORTHODOX SYRIAN CHURCH, MANGALAM DAM, RESIDING AT ORTHODOX BISHOPS HOUSE, GEDSEEMON ARAMANA, MANNUTHY, THRISSUR, PIN - 680651.
- 4 DR VENU V IAS PRESENTLY OFFICIATING AS THE CHIEF SECRETARY TO GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
- 5 T K JOSE IAS (CORRECTED) PRESENTLY OFFICIATING AS ADDITIONAL CHIEF SECRETARY TO GOVERNMENT DEPARTMENT OF HOME, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
- 6 SHEIKH DARVESH SHAHIB PRESENTLY OFFICIATING AS THE DIRECTOR GENERAL OF POLICE AND STATE POLICE CHIEF, POLICE HEAD QUARTERS, THIRUVANANTHAPURAM, PIN - 695001.
- 7 DR S CHITRA IAS PRESENTLY OFFICIATING AS THE DISTRICT COLLECTOR, COLLECTORATE, PALAKKAD - 678001.



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 8 R ANAND IPS
PRESENTLY OFFICIATING AS THE DISTRICT POLICE
CHIEF DISTRICT POLICE OFFICE, PALAKKAD,
PIN - 678001.
- 9 DR AMRITHAVALLI P.,
PRESENTLY OFFICIATING AS THE SUB DIVISIONAL
MAGISTRATE REVENUE DIVISIONAL OFFICE,
OTTAPALAM, PALAKKAD, PIN - 679101.
- 0 ASHOKAN R
PRESENTLY OFFICIATED AS THE DEPUTY
SUPERINTENDENT OF POLICE ALATHUR P.O, PALAKKAD,
PIN - 678541.
- 11 SHABEER S
PRESENTLY OFFICIATING AS THE CIRCLE INSPECTOR
OF POLICE, (SHO) MANGALAM DAM POLICE STATION,
PALAKKAD, PIN - 678683.
- 12 FR VARGHESE PALATHINKAL
AGED 47 YEARS
S/O KURIAKOSE, PALATHIKAL HOUSE, KAIRADY P.O.
PALAKKAD, PIN - 678510.

BY ADVS.
SRI.S.SREEKUMAR (SR.)
ROSHEN D. ALEXANDER
T.S.SHYAM PRASANTH, GOVERNMENT PLEADER
SHRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL

THIS CONTEMPT APPEALS (CIVIL) HAVING COME UP FOR
FINAL HEARING ON 01.10.2024, ALONG WITH Con.APP(C).8/2024
AND CONNECTED CASES, THE COURT ON 17.10.2024 DELIVERED
THE FOLLOWING:



2024:KER:77264

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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 17TH DAY OF OCTOBER 2024/ 25TH ASWINA, 1946

CON.APP(C) NO. 11 OF 2024

AGAINST THE ORDER DATED 30.08.2024 IN Con.Case (C) NO.1824

OF 2023 OF THE HIGH COURT OF KERALA

APPELLANTS/10TH RESPONDENT:

JIBI M. BABY
AGED 47 YEARS
MENOTH MALIL HOUSE, IRINGOLE, PERUMBAVOOR
VILLAGE, KUNNATHUNADU TALUK, ERNAKULAM,
PIN - 683545.

BY ADVS.
SAJI VARGHESE KAKKATTUMATTATHIL
AMALENDU A.

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 9, 11 TO 15:

1 ST. MARY'S ORTHODOX CHURCH (ODAKKALI PALLI)
ODAKKALI P.O, ARAKKAPADY VILLAGE, KUNNATHUNADU
TALUK, ERNAKULAM DISTRICT REPRESENTED BY ITS
DIOCESAN METROPOLITAN REV. FR. GEORGE
PATALATTU, PIN - 683447.



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 2 **REV. FR. GEORGE PATALATTU**
VICAR APPOINTED BY THE DIOCESAN METROPOLITAN
ST. MARY'S ORTHODOX CHURCH, ODAKKALI, RESIDING
AT PATALATTU HOUSE, WEST VENGOLA POST, VENGOLA
KARA, ARAKKAPPADY, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT, PIN - 683547.

- 3 **DR. V. VENU IAS**
PRESENTLY OFFICIATING AS THE CHIEF SECRETARY,
STATE OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.

- 4 **SHEIKH DARVESH SAHIB**
PRESENTLY OFFICIATING AS THE STATE POLICE
CHIEF, POLICE HEADQUARTERS, THIRUVANANTHAPURAM,
KERALA, PIN CODE, PIN - 695010.

- 5 **NEERAJ KUMAR GUPTA IPS**
PRESENTLY OFFICIATING AS THE INSPECTOR GENERAL
OF POLICE, CENTRAL ZONE, ERNAKULAM RANGE,
PIN - 682031.

- 6 **N.S. K. UMESH KUMAR IAS**
PRESENTLY OFFICIATING AS THE DISTRICT
COLLECTOR, COLLECTORATE, KAKKANAD, ERNAKULAM
DIST, KERALA, PIN - 682030.

- 7 **VIVEK KUMAR IPS**
PRESENTLY OFFICIATING AS THE DISTRICT POLICE
CHIEF, ERNAKULAM RURAL, OFFICE OF DISTRICT
POLICE CHIEF, ALUVA, ERNAKULAM DIST, KERALA,
PIN - 683101.

- 8 **JUVVANAPUDI MAHESH IPS**
PRESENTLY OFFICIATING AS THE DEPUTY
SUPERINTENDENT OF POLICE/ASSISTANT
SUPERINTENDENT OF POLICE, OFFICE OF THE DEPUTY
SUPERINTENDENT OF POLICE, PERUMBAVOOR,
PIN - 683542.



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 9 PRADEEPMON VARGHESE
PRESENTLY OFFICIATING AS THE REVENUE DIVISIONAL
OFFICER, MUVATTUPUZHA, ERNAKULAM DIST, KERALA,
PIN - 683373.
- 10 SAJEEV M K
PRESENTLY OFFICIATING AS THE CIRCLE INSPECTOR
OF POLICE, (SHO) KURUPPAMPADY POLICE STATION,
KURUPPAMPADY (P.O), 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, PIN - 683545.
- 13 MAR THOMAS DIONYSINE
RESIDING AT PARTRIARKIS CENTRE, PUTHENCROZ
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. ELDBHOSE
AGED 39 YEARS
S/O. M.P. ELDBHOSE, MUKALATH HOUSE, ODAKALY,
PERUMBAVOOR, ERNAKULAM, PIN - 683549.
- 16 PAUL VARGHESE
AGED 66 YEARS
S/O. VARGHESE, PRESIDENT, JACOBITE ALMAYA
FORUM, REG. NO. 112/IV/16, RESIDING AT
KURUVICHARANGARA HOUSE, PATTIMATTOM. P. O.,
ERNAKULAM, PIN - 683562.



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

BY ADVS.
S.SREEKUMAR (SR.)
ROSHEN D. ALEXANDER
ADVOCATE GENERAL OFFICE KERALA
SHRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL
T.S.SHYAM PRASANTH, GOVERNMENT PLEADER
TINA ALEX THOMAS
HARIMOHAN

THIS CONTEMPT APPEALS (CIVIL) HAVING COME UP FOR
FINAL HEARING ON 01.10.2024, ALONG WITH Con.APP(C).8/2024
AND CONNECTED CASES, THE COURT ON 17.10.2024 DELIVERED
THE FOLLOWING:



2024:KER:77264

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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 17TH DAY OF OCTOBER 2024/ 25TH ASWINA, 1946

CON.APP(C) NO. 12 OF 2024

AGAINST THE ORDER DATED 30.08.2024 IN Con.Case(C) NO.330

OF 2024 OF THE HIGH COURT OF KERALA

APPELLANTS/ RESPONDENTS 9 TO 11:

- 1 FR.ANI JOHN
AGED 33 YEARS
S/O LATE VJ KURIAKOSE, (WRONGLY SHOWN AS S/O
LATE JOHN IN THE CONTEMPT CASE), VAINNILATHIL
HOUSE, MANNAMANGALAM PO, THRISSUR,
PIN - 680014.
- 2 T.C.GEEVARGHESE,
AGED 78 YEARS,
S/O CHACKO, THANNIKOT HOUSE, VENGASSERY,
KORANCHIRA POST, PALAKKAD, PIN - 678684.
- 3 ABRAHAM SCARIA
AGED 64 YEARS
S/O SCARIA, PUTHUSSERY HOUSE, PATTAYAMPADAM,
KORANCHIRA PO, PALAKKAD, PIN - 678684.

BY ADVS.
SAJAN VARGHEESE K.
LIJU. M.P



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

RESPONDENTS/PETITIONERS & RESPONDENTS 1 TO 8:

- 1 ST.MARY'S ORTHODOX SYRIAN CHURCH
ERICKINCHIRA, (ERICKINCHIRA CHURCH), KORENCHIRA
POST, KIZAKKENCHERRY-I VILLAGE, ALATHUR TALUK,
PALAKKAD 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 DR. VENU V
IAS, PRESENTLY OFFICIATING AS THE CHIEF
SECRETARY, STATE OF KERALA, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
- 4 BISWANATH SINHA
IAS, PRESENTLY OFFICIATING AS THE ADDITIONAL
CHIEF SECRETARY, HOME DEPARTMENT, DEPARTMENT OF
HOME AFFAIRS, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 5 SHEIKH DARVESH SAHIB
PRESENTLY OFFICIATING AS THE DIRECTOR GENERAL
OF POLICE AND STATE POLICE CHIEF, STATE OF
KERALA, POLICE HEADQUARTERS,
THIRUVANANTHAPURAM, PIN - 695001.
- 6 DR. CHITHRA
IAS, PRESENTLY OFFICIATING AS THE DISTRICT
COLLECTOR, COLLECTORATE, PALAKKAD,
PIN - 678001.
- 7 R. AANAD
IPS, PRESENTLY OFFICIATING AS THE DISTRICT
POLICE CHIEF, DISTRICT POLICE OFFICE, PALAKKAD,
PIN - 678001.



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 8 DR. AMRUTHAVALLI P
PRESENTLY OFFICIATING AS THE SUB DIVISIONAL
MAGISTRATE & REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE, OTTAPALAM, PALAKKAD,
PIN - 679101.
- 9 CR SANTHOSH
PRESENTLY OFFICIATING AS THE DEPUTY
SUPERINTENDENT OF POLICE, ALATHUR, ALATHUR
POST, PALAKKAD, PIN - 678541.
- 0 BENNY KP
PRESENTLY OFFICIATING AS THE CIRCLE INSPECTOR
OF POLICE (SHO), VADAKKANCHERY POLICE STATION,
PALAKKAD, PIN - 678683.

BY ADVS.

S.SREEKUMAR (SR.)

ROSHEN D. ALEXANDER

SHRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL

T.S.SHYAM PRASANTH, GOVERNMENT PLEADER

THIS CONTEMPT APPEALS (CIVIL) HAVING COME UP FOR
FINAL HEARING ON 01.10.2024, ALONG WITH Con.APP(C).8/2024
AND CONNECTED CASES, THE COURT ON 17.10.2024 DELIVERED
THE FOLLOWING:



2024:KER:77264

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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 17TH DAY OF OCTOBER 2024/ 25TH ASWINA, 1946

CON.APP(C) NO. 13 OF 2024

AGAINST THE ORDER DATED 30.08.2024 IN Con.Case (C) NO.1803

OF 2023 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 10 TO 12:

- 1 V. P. MARKOSE
AGED 71 YEARS
S/O. PATHROSE, VAZHAKKUZHITHADATHIL,
KADAKKANADU P.O., KOLENCHERY, PIN - 682311.
- 2 ABRAHAM THOMAS
AGED 68 YEARS
S/O. THOMAS, THOTTAMATTATHIL HOUSE, NORTH
MAZHUVANNOOR P.O., VALAMBOOR, PIN - 686669.
- 3 THAMBI ABRAHAM
AGED 64 YEARS
S/O. ABRAHAM, IRATTEL HOUSE, EZHIPPRAM,
KADAYIRUPPU P.O., PIN - 682311.

BY ADVS.

SAJI VARGHESE KAKKATTUMATTATHIL
AMALENDU A.



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 9:

- 1 REV. FR. TIJO KURIAKOSE
AGED 40 YEARS
S/O P. K. SCARIAH, VICAR, ST. THOMAS ORTHODOX
SYRIAN CHURCH, MAZHUVANNOOR, PIN - 686669.
- 2 GEORGE KURUVILLA
AGED 74 YEARS
S/O KURUVILLA, RESIDING AT KULANGATTIL HOUSE,
KADAKKANADU P.O, KOLENCHERY, ERNAKULAM DIST,
KERALA, PIN - 682311.
- 3 ELDOW K. JOSEPH
AGED 58 YEARS
S/O. JOSEPH, RESIDING AT KALARIKKATHADATHIL
HOUSE, KADAKKANADU P.O, KOLENCHERY, ERNAKULAM
DIST, KERALA, PIN - 682311.
- 4 N.S.K.UMESH KUMAR
IAS, PRESENTLY OFFICIATING AS THE DISTRICT
COLLECTOR, COLLECTORATE, KAKKANAD, ERNAKULAM
DIST, KERALA, PIN - 682030.
- 5 VIVEK KUMAR
IPS, PRESENTLY OFFICIATING AS THE DISTRICT
POLICE CHIEF, ERNAKULAM RURAL, OFFICE OF
DISTRICT POLICE CHIEF, ALUVA, ERNAKULAM DIST,
KERALA, PIN - 683101.
- 6 PRADEEPMON VARGHESE
PRESENTLY OFFICIATING AS THE REVENUE DIVISIONAL
OFFICER, MUVATTUPUZHA, ERNAKULAM DIST., KERALA,
PIN - 686661.
- 7 SUDHEESH V. P
STATION HOUSE OFFICER, KUNNATHUNADU POLICE
STATION, PATTIMATTOM P.O., ERNAKULAM,
PIN - 683562.



2024:KER:77264

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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 8 FR. ELDBHOSE MOLEKUDIYIL
AGED 53 YEARS
MOLEKUDIYIL HOUSE, MANARI P.O., PIN - 686673.
- 9 FR. JAISON KAVUMA
PUTHUSSERY HOUSE, VENGOOR P.O, PIN - 683546.
- 0 FR. ELDBHOSE V.K
AGED 39 YEARS
VELLARINGAL HOUSE, PONJASSERY P.O, PERUMBAVOOR,
PIN - 683547.
- 11 FR. ELDBHOSE NEDUNGOTTIL
AGED 54 YEARS
NEDUNGOTTIL HOUSE, THURUTHIPLY,
VALAYANCHIRANGARA P.O, PIN - 683556.
- 12 FR. JOHN JOSEPH
AGED 59 YEARS
S/O. FR. JOSEPH, PATHICKAL HOUSE, PERUMBAVOOR,
PIN - 683542.

BY ADVS.
S.SREEKUMAR (SR.)
ROSHEN D. ALEXANDER
TINA ALEX THOMAS
HARIMOHAN
KOCHURANI JAMES

THIS CONTEMPT APPEALS (CIVIL) HAVING COME UP FOR
FINAL HEARING ON 01.10.2024, ALONG WITH Con.APP(C).8/2024
AND CONNECTED CASES, THE COURT ON 17.10.2024 DELIVERED
THE FOLLOWING:



2024:KER:77264

20

Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 17TH DAY OF OCTOBER 2024/ 25TH ASWINA, 1946

CON.APP(C) NO. 14 OF 2024

AGAINST THE ORDER DATED 30.08.2024 IN Con.Case (C) NO.1824

OF 2023 OF THE HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 1 TO 8:

- 1 DR. V. VENU IAS
PRESENTLY OFFICIATING AS THE CHIEF SECRETARY,
STATE OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695010.
- 2 SHEIKH DARVESH SAHIB
PRESENTLY OFFICIATING AS THE STATE POLICE
CHIEF, POLICE HEAD QUARTERS, THIRUVANATHAPURAM,
PIN - 695010.
- 3 NEERAJ KUMAR GUPTA IPS
PRESENTLY OFFICIATING AS THE INSPECTOR GENERAL
OF POLICE, CENTRAL ZONE, ERNAKULAM RANGE,
PIN - 682031.
- 4 N.S.K. UMESH KUMAR IAS
PRESENTLY OFFICIATING AS THE DISTRICT
COLLECTOR, COLLECTORATE, KAKKANAD, ERNAKULAM,
PIN - 682030.



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 5 VIVEK KUMAR IPS
PRESENTLY OFFICIATING AS THE DISTRICT POLICE
CHIEF, ERNAKULAM RURAL, OFFICE OF DISTRICT
POLICE CHIEF, ALUVA, ERNAKULAM, PIN - 683101.
- 6 JUVVANAPUDI MAHESH IPS
PRESENTLY OFFICIATING AS THE DEPUTY
SUPERINTENDENT OF POLICE/ASSISTANT
SUPERINTENDENT OF POLICE , OFFICE OF THE DEPUTY
SUPERINTENDENT OF POLICE, PERUMBAVOOR,
PIN - 683542.
- 7 PRADEEPMON VARGHESE
PRESENTLY OFFICIATING AS THE REVENUE DIVISIONAL
OFFICER, MUVATTUPUZHA, ERNAKULAM DIST., KERALA,
PIN - 683373.
- 8 SAJEEV M.K.
PRESENTLY OFFICIATING AS THE CIRCLE INSPECTOR
OF POLICE, (SHO) KURUPPAMPADY POLICE STATION,
KURUPPAMPADY (P.O.), ERNAKULAM, PIN - 683545.

BY ADVS.

SHRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL
T.S.SHYAM PRASANTH, GOVERNMENT PLEADER

RESPONDENTS/PETITIONERS AND RESPONDENTS 9 TO 15:

- 1 ST.MARY'S ORTHODOX CHURCH, (ODAKKALI PALLI)
REPRESENTED BY ITS DIOCESAN METROPOLITAN REV.
FR. GEORGE PATALATTU
ODAKKALI P.O., ARAKKAPADY VILLAGE, KUNNATHUNADU
TALUK, ERNAKULAM DISTRICT, PIN - 683547.
- 2 REV. FR. GEORGE PATALATTU, VICAR APPOINTED THE
DIOCESAN METROPOLITAN ST. MARY'S ORTHODOX
CHURCH, ODAKKALI,
RESIDING AT PATALATTU HOUSE, WEST VENGOLA POST,
VENGOLA KARA, ARAKKAPPADAY, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT, PIN - 683547.



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 3 FR. JOBY VARGHESE
S/O VARGHESE, URAPPAL HOUSE, PUNNORPPADI
BHAGAM, MULAVOOR, THRIKKALATHOOR KARA,
ERNAKULAM, PIN - 686673.
- 4 JIBI M. BABY
S/O BENNY, MENOTH MALIL HOUSE, IRINGOLE,
PERUMBAVOOR VILLAGE, KUNNATHUNADU TALUK,
ERNAKULAM, PIN - 683545.
- 5 E.G. GEORGEKUTTY
EDAKUDY HOUSE, METHALA KARA, METHALA P.O.,
ASAMANOOR VILLAGE, KUNNATHUNADU TALUK,
ERNAKULAM, PIN - 683545.
- 6 MAR THOMAS DIONYSINE
RESIDING AT PARTRIARKIS CENTRE, PUTHENCROZ
VILLAGE, KUNNATHUNADU TALUK, ERNAKULAM,
PIN - 682308.
- 7 ROY VARGHESE
S/O VARGHESE, MENOTHMALIL HOUSE, ODAKKALI KARA,
ASAMANOOR VILLAGE, KUNNATHUNADU TALUK,
ERNAKULAM, PIN - 683549.
- 8 BASIL M. ELDBHOSE
AGED 39 YEARS, S/O M.P. ELDBHOSE, MUKALATH
HOUSE, ODAKALY, PERUMBAVOOR, ERNAKULAM- 683549.
- 9 PAUL VARGHESE
AGED 66 YEARS, S/O VARGHESE, PRESIDENT,
JACOBITE ALMAYA FORUM, REG. NO. 112/IV/16,
RESIDING AT KURUVICHARANGARA HOUSE, PATTIMATTOM
P.O., ERNAKULAM, PIN - 683562.

BY ADVS.
SRI.S.SREEKUMAR (SR.)
ROSHEN D. ALEXANDER

THIS CONTEMPT APPEALS (CIVIL) HAVING COME UP FOR
FINAL HEARING ON 03.10.2024, ALONG WITH Con.APP(C).8/2024
AND CONNECTED CASES, THE COURT ON 17.10.2024 DELIVERED
THE FOLLOWING:



2024:KER:77264

23

Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 17TH DAY OF OCTOBER 2024/ 25TH ASWINA, 1946

CON.APP(C) NO. 15 OF 2024

AGAINST THE ORDER DATED 30.08.2024 IN Con.Case(C) NO.330

OF 2024 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 1 TO 8:

- 1 DR. VENU.V IAS
CHIEF SECRETARY, STATE OF KERALA, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
- 2 BISHWANATH SINHA IAS
OFFICIATING AS THE ADDITIONAL CHIEF SECRETARY,
HOME DEPARTMENT, DEPARTMENT OF HOME AFFAIRS,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN
- 695001.
- 3 SHEIKH DARVESH SAHIB,
OFFICIATING AS THE DIRECTOR GENERAL OF POLICE
AND STATE POLICE CHIEF, STATE OF KERALA POLICE
HEAD QUARTERS, THIRUVANANTHAPURAM, PIN - 695001.
- 4 DR.S CHITHRA IAS
PRESENTLY OFFICIATING AS THE DISTRICT
COLLECTOR, COLLECTORATE PALAKKAD, PIN - 678001.



2024:KER:77264

24

Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 5 R.ANAND IPS
PRESENTLY OFFICIATING AS THE DISTRICT POLICE
CHIEF, DISTRICT POLICE OFFICE, PALAKKAD,
PIN - 678001.
- 6 DR.AMRUTHAVALLI.P
PRESENTLY OFFICIATING AS THE SUB DIVISIONAL
MAGISTRATE & REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICER, OTTAPPALAM, PALAKKAD,
PIN - 679101.
- 7 C.R.SANTHOSH
PRESENTLY OFFICIATING AS THE DEPUTY
SUPERINTENDENT OF POLICE, ALATHUR P.O.
PALAKKAD, PIN - 678541.
- 8 BENNY K.P
PRESENTLY OFFICIATING AS THE CIRCLE INSPECTOR
OF POLICE, (SHO), VADAKKANCHERRY POLICE
STATION, PALAKKAD, PIN - 678683.

BY ADVS.

SHRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL
T.S.SHYAM PRASANTH, GOVERNMENT PLEADER

RESPONDENTS/PETITIONERS AND RESPONDENTS 9 TO 11:

- 1 ST.MARY'S ORTHODOX CHURCH, ERIKINCHIRA
ST.MARY'S ORTHODOX SYRIAN CHURCH, ERIKINCHIRA,
KORENCHIRA POST, KIZHAKKENCHERRY-1
VILLAGE, ALATHUR TALUK, PALAKKAD, PIN - 678684.
- 2 FR.MATHAI THOZHUTHUNGAL,
AGED 70 YEARS
VICAR, ST.MARY'S ORTHODOX SYRIAN
CHURCH, ERIKINCHIRA, RESIDING AT THOZHUTHUNGAL
HOUSE, MUDAPALLUR P.O. KADAMCODU, PALAKKAD.
- 3 ANI JOHN
AGED 33 YEARS
S/O LATE JOHN VAINNILATHIL HOUSE, MANNAMANGALAM
P.O. THRISSUR, PIN - 680014.



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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 4 T.C.GEEVARGHESE
 AGED 78 YEARS
 THANNIKOT HOUSE, VENGASERY, KORANCHIRA P.O.
 PALAKKAD., PIN - 678684.
- 5 ABRAHAM SCARIA
 S/O SCARIA, PUTHUSSERY HOUSE, PATTAYAMPADAM,
 KORANCHIRA P.O. PALAKKAD, PIN - 678684.

BY ADVS.
SRI.S.SREEKUMAR (SR.)
SRI.ROSHEN D. ALEXANDER

THIS CONTEMPT APPEALS (CIVIL) HAVING COME UP FOR
FINAL HEARING ON 04.10.2024, ALONG WITH Con.APP(C).8/2024
AND CONNECTED CASES, THE COURT ON 17.10.2024 DELIVERED
THE FOLLOWING:



2024:KER:77264

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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 17TH DAY OF OCTOBER 2024/ 25TH ASWINA, 1946

CON.APP(C) NO. 16 OF 2024

AGAINST THE ORDER DATED 30.08.2024 IN Con.Case(C) NO.329

OF 2024 OF THE HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 1 TO 8:

- 1 DR. VENU V. IAS,
PRESENTLY OFFICIATING AS THE CHIEF SECRETARY,
STATE OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 2 BISHWANATH SINHA IAS
PRESENTLY OFFICIATING AS THE ADDITIONAL CHIEF
SECRETARY, HOME DEPARTMENT, DEPARTMENT OF HOME
AFFAIRS, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 3 SHEIKH DARVESH SAHIB
PRESENTLY OFFICIATING AS THE DIRECTOR GENERAL
OF POLICE AND STATE POLICE CHIEF, STATE OF
KERALA POLICE HEAD QUARTERS, ,
THIRUVANANTHAPURAM, PIN - 695001.
- 4 DR. S. CHITHRA IAS,
PRESENTLY OFFICIATING AS THE DISTRICT
COLLECTOR, COLLECTORATE, PALAKKAD,
PIN - 678001.



2024:KER:77264

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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 5 R. ANAND IPS,
PRESENTLY OFFICIATING AS THE DISTRICT POLICE
CHIEF, DISTRICT POLICE OFFICE, PALAKKAD,
PIN - 678001.
- 6 DR. AMRUTHAVALLI P.
PRESENTLY OFFICIATING AS THE SUB DIVISIONAL
MAGISTRATE & REVENUE DIVISIONAL OFFICER, REVENUE
DIVISIONAL OFFICE, OTTAPALAM, PALAKKAD,
PIN - 679101.
- 7 C.R. SANTHOSH
PRESENTLY OFFICIATING AS THE DEPUTY
SUPERINTENDENT OF POLICE, ALATHUR, ALATHUR P.O,
PALAKKAD, PIN - 678541.
- 8 SHABEER, S
PRESENTLY OFFICIATING AS THE CIRCLE INSPECTOR
OF POLICE, (SHO), MANGALAM DAM POLICE STATION,
PALAKKAD, PIN - 678706.

BY ADVS.

SHRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL
T.S.SHYAM PRASANTH, GOVERNMENT PLEADER

RESPONDENTS/PETITIONERS AND RESPONDENTS 9 TO 12:

- 1 ST. MARY'S ORTHODOX SYRIAN CHURCH
MANGALAM DAM POST, MANGALAM DAM VILLAGE,
ALATHUR TALUK, PALAKKAD DISTRICT, REPRESENTED
BY ITS VICAR FR. MATHAI PANAMKUTTIYIL,
PIN-678706.
- 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 - 683678.



2024:KER:77264

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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 3 FR. SAM VARGHESE
AGED 51 YEARS
ASSISTANT VICAR, ST. MARY'S ORTHODOX SYRIAN
CHURCH, MANGALAM DAM, RESIDING AT ORTHODOX
BISHOPS HOUSE, GEDSEEMON ARAMANA, MANNUTHY,
THRISSUR, PIN - 680651.
- 4 FR. VARGHESE PALATHINKAL,
AGED 47 YEARS
S/O KURIAKOSE, PALATHINKAL HOSUE, KAIRADY P.O,
PALAKKAD, PIN - 678510.
- 5 FR. RAJU MARKOSE
AGED 57 YEARS
S/O MARKOSE, PUTHUSSERY HOUSE, OLIMKADAVU P.O,
MANGALAM DAM, PALAKKAD, PIN - 678706.
- 6 THANKACHAN M.A.
AGED 60 YEARS
S/O LATE ABRAHAM, MANTELTI HOUSE,
NELIYAMKUNNU, ALATHUR P.O, PALAKKAD,
PIN - 678541.
- 7 SHAJU MARKOSE,
AGED 52 YEARS
AGED 52 YEARS, S/O MARKOSE, PUTHUSSERY HOUSE,
OLIMKADAVU P.O, MANGALAMDAM, PALAKKAD,
PIN - 678706.

BY ADVS.
SRI.S.SREEKUMAR (SR)
ROSHEN D. ALEXANDER
SREENATH VIJAYARAGHAVAN
AKHILA C.
P.VIJAYARAGHAVAN
S.M.PRASANTH

THIS CONTEMPT APPEALS (CIVIL) HAVING COME UP FOR
FINAL HEARING ON 04.10.2024, ALONG WITH Con.APP(C).8/2024
AND CONNECTED CASES, THE COURT ON 17.10.2024 DELIVERED
THE FOLLOWING:



2024:KER:77264

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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 17TH DAY OF OCTOBER 2024/ 25TH ASWINA, 1946

CON.APP(C) NO. 17 OF 2024

AGAINST THE ORDER DATED 30.08.2024 IN Con.Case(C)

NO.299 OF 2024 OF THE HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 1 TO 9:

- 1 DR. VENU V. IAS
PRESENTLY OFFICIATING AS THE CHIEF SECRETARY,
STATE OF KERALA, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
- 2 BISHWANTH SINHA IAS
PRESENTLY OFFICIATING AS THE ADDITIONAL CHIEF
SECRETARY, HOME DEPARTMENT, DEPARTMENT OF HOME
AFFAIRS, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 3 SHEIKH DARVESH SAHIB
PRESENTLY OFFICIATING AS THE DIRECTOR GENERAL
OF POLICE AND STATE POLICE CHIEF, STATE OF
KERALA, POLICE HEAD QUARTERS,
THIRUVANANTHAPURAM, PIN - 695001.
- 4 DR. S. CHITHRA IAS,
PRESENTLY OFFICIATING AS THE DISTRICT
COLLECTOR, COLLECTORATE, PALAKKAD,
PIN - 678001.



2024:KER:77264

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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 5 R. ANAND IPS
PRESENTLY OFFICIATING AS THE DISTRICT POLICE
CHIEF, DISTRICT POLICE OFFICE, PALAKKAD,
PIN - 678001.
- 6 DR. AMRUTHVALLI P.
PRESENTLY OFFICIATING AS THE SUB DIVISIONAL
MAGISTRATE & REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE, OTTAPALAM, PALAKKAD,
PIN - 679181.
- 7 ASHOKAN R
PRESENTLY OFFICIATING AS THE DEPUTY
SUPERINTENDENT OF POLICE, ALATHUR, ALATHUR
P.O., PALAKKAD, PIN - 678541.
- 8 SHABEER S
PRESENTLY OFFICIATING AS THE CIRCLE INSPECTOR
OF POLICE, (SHO), MANGALAM DAM POLICE STATION,
PALAKKAD, PIN - 678683.
- 9 RAMANKUTTY. K
PRESENTLY OFFICIATING AS THE VILLAGE OFFICER,
KIZHAKKENCHERY-II VILLAGE, PALAKKAD,
PIN - 678541.

BY ADVS.

SHRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL

RESPONDENTS/PETITIONERS AND RESPONDENTS 10 TO 15:

- 1 ST. THOMAS ORTHODOX SYRIAN CHURCH, CHERUKUNNAM
(CHERUKUNNAM CHURCH)
CHERUKUNNAM (CHERUKUNNAM CHURCH), ELAVAMPADAM
P.O., ALATHUR, ALATHUR TALUK, PALAKKAD
DISTRICT, REPRESENTED BY ITS VICAR FR. POLY
VARGHESE, PIN - 678684.



2024:KER:77264

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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

- 2 FR. POLY VARGHESE, VICAR
AGED 54 YEARS
ST. MARY'S ORTHODOX SYRIAN CHURCH, CHERUKUNNAM,
S/O LATE VARGHESE, THELAPPILLIL HOUSE, SOUTH
KORATTY P.O., THRISSUR, PIN - 680308.
- 3 FR. THOMAS PULAYATH
AGED 50 YEARS
S/O KURIAN, PULAYATH HOUSE, AYAMPARA, KUNDUKAD
P.O., THRISSUR, PIN - 680028.
- 4 T.T. PATHROSE
AGED 55 YEARS
S/O THOMAS, THADIKKULANGARAYIL HOUSE, KARINKYAM
P.O., PALAKKAD, PIN - 678706.
- 5 BAIJU K.K
AGED 40 YEARS, S/O KURUVILA, KUZHIKATTIL HOUSE,
MALLUCODE, ELAVAMPADAM P.O., PALAKKAD - 678684.
- 6 JOY
AGED 61 YEARS
S/O ULAHANNAN, APPATTUKUZHIYIL HOUSE,
ELAVAMPADAM P.O., KIZHAKENCHERY, PALAKKAD, PIN
- 678684.
- 7 K.C. PAULOSE,
AGED 65 YEARS
S/O CHACKO, KOLLARMALI HOUSE, ELAVAMPADAM P.O.,
KIZHAKENCHERY, PALAKKAD, PIN - 678684.
- 8 N.M. MATHEW, AGED 75 YEARS
S/O MATHAI, PUTHENPURA HOUSE, EVAVAMPADAM P.O.,
VAKKALA, PALAKKAD, PIN - 678706.

BY ADVS.

SRI.S.SREEKUMAR (SR)

ROSHEN D. ALEXANDER

SREENATH VIJAYARAGHAVAN

AKHILA C.

P.VIJAYARAGHAVAN ((PALAYIL)

S.M.PRASANTH



2024:KER:77264

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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

**THIS CONTEMPT APPEALS (CIVIL) HAVING COME UP FOR
FINAL HEARING ON 04.10.2024, ALONG WITH Con.APP(C) .8/2024
AND CONNECTED CASES, THE COURT ON 17.10.2024 DELIVERED
THE FOLLOWING:**



2024:KER:77264

33

Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 17TH DAY OF OCTOBER 2024/ 25TH ASWINA, 1946

CON.APP(C) NO. 18 OF 2024

AGAINST THE ORDER DATED 30.08.2024 IN Con.Case(C) NO.1803
OF 2023 OF THE HIGH COURT OF KERALA

APPELLANTS/RESPONDENTS 1 TO 4:

- 1 N.S.K UMESH KUMAR IAS
PRESENTLY OFFICIATING AS THE DISTRICT
COLLECTOR, COLLECTORATE, KAKKANAD, ERNAKULAM,
PIN - 682030.
- 2 VIVEK KUMAR IPS
OFFICIATING AS THE DISTRICT POLICE CHIEF,
ERNAKULAM RURAL, OFFICE OF DISTRICT POLICE
CHIEF, ALUVA, ERNAKULAM, PIN - 683101.
- 3 PRADEEPMON VARGHESE
OFFICIATING AS THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA, ERNAKULAM, PIN - 686661.
- 4 SUDHEESH V.P.
STATION HOUSE OFFICER, KUNNATHUNADU POLICE
STATION, PATTIMATTOM P.O., ERNAKULAM,
PIN - 683562.

BY ADVS.

T.S.SHYAM PRASANTH, GOVERNMENT PLEADER
SHRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL



2024:KER:77264

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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

RESPONDENTS/PETITIONERS AND RESPONDENTS 5 TO 12:

- 1 REV.FR.TIJO KURIAKOSE
AGED 40 YEARS
S/O P. K. SCARIAH, VICAR, ST.THOMAS ORTHODOX
SYRIAN CHURCH, MAZHUVANNUR. PERMANENTLY RESIDING
AT MANALEL PUTHIYAPARAMPIL HOUSE, AMAYANOORP.O.
KOTTAYAM, PIN - 686019.
- 2 GEORGE KURUVILLA,
AGED 74 YEARS
S/O KURUVILLA, RESIDING AT KULANGATTIL
HOUSE, KADAKKANADU. P.O., KOLENCHERY, ERNAKULAM,
PIN - 682311.
- 3 ELDOW K JOSEPH
AGED 58 YEARS
S/O. JOSEPH, RESIDING AT KALARIKKATHADATHIL
HOUSE, KADAKKANADU P.O. KOLENCHERY, ERNAKULAM,
PIN - 682311.
- 4 FR. ELDBHOSE MOLEKUDIYIL
AGED 53 YEARS
MOLEKUDIYIL HOUSE, MANARI P.O., PIN - 686673.
- 5 FR. JAISON KAVUMA
AGED 30 YEARS
PUTHUSSERY HOUSE, VENGOOR P.O., PIN - 683546.
- 6 FR. ELDBHOSE V.K.
AGED 39 YEARS
VELLARINGAL HOUSE, PONJASSERY P.O. PERUMBAVOOR,
PIN - 683547.
- 7 ELDBHOSE NEDUNGOTTIL
AGED 54 YEARS
NEDUNGOTTIL HOUSE, THURUTHIPLY, VLAYANCHIRANGARA
P.O. 683 556, PIN - 683556.
- 8 FR JOHN JOSEPH
AGED 59 YEARS
S/O FR. JOSEPH, PATHICKAL HOUSE, PERUMBAVOOR,
PIN - 683542.



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- 9 V.P.MARKOSE
 AGED 71 YEARS
 S/O PATHROSE, VAZHAKKUZHITHADATHIL, KADKKANADU
 P.O., KOLENCHERRY, PIN - 682311.
- 0 ABRAHAM THOMAS
 AGED 68 YEARS
 S/O THOMAS, THOTTAMATTATHIL HOUSE, NORTH
 MAZHUVANNOOR P.O. VALAMBOOR, PIN - 686669.
- 11 THAMBI ABRAHAM
 AGED 64 YEARS
 S/O ABRAHAM, IRATTEL HOUSE,
 EZHIPPRAM, KADAYIRUPPU P.O., PIN - 682311.
- SRI.S.SREEKUMAR (SR.)
 SRI.ROSHEN D. ALEXANDER

THIS CONTEMPT APPEALS (CIVIL) HAVING COME UP FOR
FINAL HEARING ON 09.10.2024, ALONG WITH Con.APP(C).8/2024
AND CONNECTED CASES, THE COURT ON 17.10.2024 DELIVERED
THE FOLLOWING:



2024:KER:77264

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Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 17TH DAY OF OCTOBER 2024/ 25TH ASWINA, 1946

CON.APP(C) NO. 19 OF 2024

AGAINST THE ORDER DATED 30.08.2024 IN Con.Case (C) NO.1761

OF 2023 OF THE HIGH COURT OF KERALA

APPELLANT/1ST RESPONDENT & ADDL.7TH RESPONDENT:

- 1 SHIBIN K.A.
INSPECTOR OF POLICE, POTHANIKKAD POLICE STATION,
MUVATTUPUZHA, ERNAKULAM, PIN - 686671.
- 2 N.S.K. UMESH
THE DISTRICT COLLECTOR, ERNAKULAM, PIN - 682030.

BY ADVS.

SHRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL
T.S.SHYAM PRASANTH, GOVERNMENT PLEADER

RESPONDENTS/PETITIONERS & RESPOINDENTS 2 TO 6:

- 1 REV.FR.C.K.ISSAC COR EPISCOPA
AGED 79 YEARS
S/O KURIAKOSE, VICAR, ST.JOHN'S BESPAGE
ORTHODOX SYRIAN CHURCH, RESIDING AT
CHENAYAPPILLIL HOUSE,
PARAMBENCHERY, PULINTHANAM, POTHANIKADU,
MUVATTUPUZHA, ERNAKULAM, PIN - 686671.



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- 2 REV.FR.P.V.PHILIP ,
AGED 74 YEARS
S/O POTHEEN, ASSISTANT VICAR,ST.JOHN'S BESPAGE
ORTHODOX SYRIAN CHURCH,RESIDING AT
ARIMAPANCHIRAYIL HOUSE, PULINTHANAM P.O.
POTHANIKADU, MUVATTUPUZHA, ERNAKULAM,
PIN - 686671.
 - 3 FR. K.K.MATHEWS
KUZHUVELIPPURAM HOUSE,PALLARIMANGALAM,P.O.
POTHANIKKAD, PIN - 686671.
 - 4 NOBY SCARIA
CHENAYAPPILLIL HOUSE, KADAVOOR P.O., KADAVOOR,
PIN - 686671.
 - 5 ELDBOSE VARGHESE
PUTHUSSEERIL HOUSE,PARAMBANCHERI, PULINTHANAM
P.O. POTHANIKADU, MUVATTUPUZHA, ERNAKULAM, PIN
- 686671.
 - 6 BASIL MATHEW
S/O MATHEW, UNNAMTHUMVEETIL HOUSE,POTHANIKKAD
P.O.,ERNAKULAM, PIN - 686671.
 - 7 BABU JOHN
AGED 50 YEARS
S/O JOHN, VELLAKKALLEL,PULINTHANAM,P.O.
ERNAKULAM, PIN - 686671.
- SRI.S.SREEKUMAR (SR.)
SRI.ROSHEN D. ALEXANDER

THIS CONTEMPT APPEALS (CIVIL) HAVING COME UP FOR
FINAL HEARING ON 09.10.2024, ALONG WITH Con.APP(C).8/2024
AND CONNECTED CASES, THE COURT ON 17.10.2024 DELIVERED
THE FOLLOWING:



Con.App.(C) Nos.8, 9, 10, 11, 12,
13, 14, 15, 16, 17, 18 and 19 of 2024

ANIL K. NARENDRAN & P.G. AJITHKUMAR, JJ.

**Con.App.(C) Nos.8, 9, 10, 11, 12, 13, 14,
15, 16, 17, 18 and 19 of 2024**

Dated this the 17th day of October, 2024

JUDGMENT

P.G.Ajithkumar, J.

These appeals under Section 19(1) of the Contempt of Courts Act, 1971 arose on a common order dated 30.08.2024, which is interlocutory in nature, in Con.Cases (C) Nos.1761 of 2023, 1803 of 2023, 1824 of 2023, 299 of 2024, 329 of 2024 and 330 of 2024. These appeals were heard on different dates, namely, 01.10.2024, 03.10.2024, 04.10.2024, 07.10.2024 and 09.10.2024.

2. The learned Single Judge as per the impugned order issued the following directions:

“Accordingly, the following directions are issued:-

- (i) The District Collector, Ernakulam is suo motu impleaded as the additional respondent in COC(C) No.1761 of 2023. The learned Government Pleader takes notice for the additional respondent.
- (ii) The District Collector, Ernakulam shall takeover possession of the St.Mary's Orthodox Church, Odakkali,



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St.John's Besphage Orthodox Syrian Church, Pulinthanam
and St.Thomas Orthodox Syrian Church, Mazhuvannoor.

(iii) The District Collector, Palakkad shall takeover
possession of the St.Mary's Orthodox Church, Mangalam
Dam, St.Mary's Orthodox Syrian Church, Erickinchira and
St.Thomas Orthodox Syrian Church, Cherukunnam.

(iv) The District Collectors shall file reports regarding
takeover before this Court by the next posting date.

(v) The District Police Chiefs, Ernakulam and Palakkad shall
deploy sufficient police personnel to aid the District
Collectors."

3. The writ petitions were filed seeking direction to
the Inspectors of Police in the respective police stations and
also other officials to prevent the appellants in Con.App.(C)
Nos.8, 9, 10, 11, 12 and 13 of 2024 and their men from
violating the law as declared by the Apex Court in
**K.S.Varghese v. St.Peters' and Paul's Syrian Orthodox
Church [(2017) 15 SCC 333]** and ensure that the writ
petitioners, Priests, Vicars, Diocesan Metropolitan, Malankara
Metropolitan, etc. are not prevented from conducting religious
services in accordance with the 1934 Constitution of the
Malankara Orthodox Church (for short "1934 Constitution").



4. The writ petitions were allowed by issuing similar directions. The Inspector of Police concerned were directed to render necessary assistance to the writ petitioners, Priests, Vicars, Diocesan Metropolitan, Malankara Metropolitan, etc. to peacefully enter the respective Churches in accordance with 1934 Constitution and to conduct the religious services without let or hindrance from the party respondents in the writ petition. A time limit was also fixed. Alleging that the said directions were not complied with within time or yet, the writ petitioners filed the instant contempt of court cases.

5. The learned Single Judge gave various directions to ensure compliance of the judgments in the writ petitions. But the directions remained unenforced. It is seen that the official respondents resorted to a convenient excuse that an attempt by the writ petitioners to enter the Churches with police help would be thwarted by the appellants along with a posse of their men. The learned Additional Advocate General took a stand that such an attempt would lead the law and order into dangerous proportions and even result in loss of human lives.



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After considering the submissions and taking into account the facts and circumstances, which are borne out from the materials on record, the learned Single Judge thought it fit to direct the District Collectors concerned to take over possession of the respective Churches. Aggrieved thereby the party respondents in the respective Contempt of Courts cases filed Con.Appeals (C) Nos.8, 9, 10, 11, 12 and 13 of 2024. The official respondents filed Con.Appeals (C) Nos. 14, 15, 16, 17, 18 and 19 of 2024.

6. On 25.09.2024, this Court granted interim stay for a period of 10 days, which has been extended for a further period of two weeks. The learned Senior Counsel appearing for the party respondents initially raised a contention regarding maintainability of the appeals. However, when this matter was taken up for hearing on 01.10.2024, the learned Senior Counsel submitted that he was not pursuing that contention, and hence we do not propose to consider the question of maintainability of the appeals.



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7. Heard the learned Senior Advocate Sri.K. Ramakumar appeared on instructions, for the appellants in Con.App.(C) Nos.8, 9 and 10 of 2024, the learned counsel for the appellants Sri.Saji Varghese and Sri. Sajan Varghese in Con.App.(C) No.11, 12 and 13 of 2024, the learned Additional Advocate General for the appellants in Con.Appeals (C) Nos. 14, 15, 16, 17, 18 and 19 of 2024 and the official respondents in the other appeals and the learned Senior Advocate Sri. S. Sreekumar appeared on instructions for the party respondents who filed writ petitions. Service of notice in other respondents was dispensed with.

8. The learned Senior Advocate Sri.K.Ramakumar raised the following contentions to assail the order of the learned Single Judge. The directions of the Apex Court in **K.S.Varghese v. Peter's and Paul's Syrian Orthodox Church [(2017) 15 SCC 333]** do not enable to dissuade or avoid any parishioner from the Church. On the other hand, the directions only enable every parishioner and believer to enter the Church and offer prayers, and therefore, there can



be no action for taking over possession of the Churches and entrusting with one faction. It is further submitted that there is no averment or allegation in the contempt petitions concerning any wilful disobedience by the appellants enabling this Court to invoke the contempt of court jurisdiction and to have an enquiry as provided in Section 17 of the Contempt of Courts Act.

9. The learned Single Judge impleaded the District Collectors of Ernakulam and Palakkad Districts and gave them directions to take over possession of the respective Churches. Impleading as well as giving such directions are unknown to the procedure provided under the Contempt of Courts Act and beyond the powers of the Court. In the above regard, the learned Senior Counsel cited the decision of a Division Bench of this Court in **Subramanian C. v. Nalini M. [2024 KHC OnLine 1270]** (One among us, Anil K.Narendran, J. authored it). In the view of the learned Senior Counsel, the empowerment of the Court is to convict or not the contemnor, and not to travel beyond that and give



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positive directions like taking over of possession, etc. Such a course is ultra vires the provisions in the Contempt of Courts Act. The petitioners did not specify whether the respondents are guilty of civil contempt or criminal contempt. It is accordingly submitted that the impugned order needs interference.

10. Sri.Sajan Varghese, the learned counsel for the appellants in Con.App.(C) No.12 of 2024 adopted the submissions of the learned Senior Counsel Sri.K.Ramakumar. He further brought to our attention the order of the learned Single Judge dated 12.06.2024 in Cont.Case (C) No.1824 of 2023. In that order the official respondents were reminded of the need to enforce the directions issued in the writ petition and cautioned not to use any excessive or disproportionate force, and not to cause breach of law and order.

11. The learned Additional Advocate General would submit that the directions in the impugned orders are beyond the contempt of court jurisdiction of this Court and hence the said order is unsustainable in law. He supported the



arguments of the party appellants to reinforce the plea that the impugned order is liable to be set aside.

12. Annexure A20 in Cont.Case (C) No.1761 of 2023 is the decree passed by the Sub Judge, Muvattupuzha in O.S.No.15 of 2016 terms of the directions contained in **K.S.Varghese [(2017) 15 SCC 333]**. That decree allows the writ petitioners to enter the Church and administer the same in terms of the 1934 Constitution. An appeal was preferred, but the same was dismissed. The review petition filed against the judgment in the appeal was also dismissed. The writ petitions were, however, filed independent of the said decree. The writ petitions were allowed holding that State and its instrumentalities are bound to see that the directions contained in **K.S.Varghese [(2017) 15 SCC 333]** are implemented and also the law laid down by the Apex Court in **St.Mary's Orthodox Church v. State Police Chief [(2020) 18 SCC 329]**.

13. The learned Senior Advocate Sri. S. Sreekumar submitted that when concerted efforts were taken to thwart



enforcement of the judgment in question, this Court is obliged to exercise its inherent power and ensure that the contemnors are prevented from retaining the fruits of their contempt. The learned Senior Counsel further would submit that it is essential to direct the official respondents to ensure that the contumacious conduct on the part of the contemnors does not continue and no such contemnors shall be allowed to enjoy the fruits of the contumacious act. It is submitted that this Court is amply empowered to give positive directions so as to avoid perpetuation of contumacious acts and impleading of the parties for ensuring compliance of such directions is within the powers of this Court.

14. In the writ petition, directions were sought to ensure compliance of the directions of the Apex Court in paragraph No. 184 of the judgment in **K.S.Varghese [(2017) 15 SCC 333]**. The directions of the Apex Court in **St.Mary's Orthodox Church [(2020) 18 SCC 329]**, which is relevant are extracted below:

“There cannot be any violation of the order by any one



concerned. Even the State Government cannot act contrary to the judgment and the observations made by this Court and has the duty to ensure that the judgment of the court is implemented forthwith.

Any observation made by the High Court contrary to the judgment passed by this Court stands diluted.

The State and all parties shall abide by the judgment passed by this Court in totality and cannot solve the matter in any manner different than the judgment passed by this court. No parallel system can be created.”

15. The writ petitions were resisted by the appellants setting forth every contention including that the directions contained in paragraph No.184 of the judgment in **K.S.Varghese [(2017) 15 SCC 333]** do not enable to dissuade the parishioners or a faction of the believers from the Church or from offering prayers in the Church. After considering all such contentions only the writ petitions were allowed by directing the respective Inspectors of Police to render necessary assistance to the writ petitioners, Priests, Vicars, Diocesan Metropolitan, Malankara Metropolitan, etc. to peacefully enter the respective Churches in accordance with



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the 1934 Constitution. It was also directed that they should be allowed to conduct the religious services in the Churches without let or hindrance from the contesting party respondents, who are the appellants in Con.App.(C) Nos.8, 9, 10, 11, 12 and 13 of 2024. The judgments in the writ petitions were challenged by filing writ appeals, but without any success. In such circumstances, the appellants cannot be heard to contend that the directions issued in the writ petitions are against the judgment in **K.S.Varghese [(2017) 15 SCC 333]** and hence unenforceable. The observation in the appeal judgments that there would not be any bar for the appellants to pursue other remedies, if available, is also not a reason not to enforce the directions which have become final.

16. In **Prithawi Nathram v. State of Jharkhand [(2004) 7 SCC 261]** the allegation in the contempt case was that the direction issued by the learned Single Judge of Patna High Court in the order dated 30.03.1999 was not complied with. While dealing with the application for contempt, the learned Single Judge passed a judgment holding that it would



not be proper to take any action for contempt. The learned Single Judge proceeded to examine the correctness of the order and called upon the parties to satisfy him that the direction of the kind contained in the order dated 30.03.1999 could be passed. Later the learned Single Judge gave various directions, the legality of which came up for consideration before the Apex Court. The Apex Court held that if any party is aggrieved by the order, which in his opinion is wrong or against the rules, or its implementation is neither practicable nor feasible, he should always either approach the court that passed the order or invoke jurisdiction of the appellate court. Rightness or wrongness of the order cannot be urged in contempt proceedings. Right or wrong, the order has to be obeyed. Flouting of an order of the court would render the party liable for contempt. While dealing with an application for contempt, the court cannot traverse beyond the order, non-compliance with which is alleged. In order words, it cannot say what should not have been done or what should have been done. It cannot traverse beyond the order. It cannot test



the correctness or otherwise of the order or give additional direction or delete any direction. That would be exercising review jurisdiction while dealing with an application for initiation or contempt proceedings. The same would be impermissible and indefensible. Accordingly, the contention of the appellants touching the correctness of the judgment in the writ petition was held untenable. That fortifies our view that the appellants are debarred from questioning correctness of the judgments in the writ petitions.

17. It is trite that an action for civil contempt is contemplated in cases where there is wilful disobedience of any judgment, order, etc. The learned Senior Counsel appearing for the appellants would submit that there is no pleading in the petitions in the contempt cases that anyone had wilfully disobeyed the judgments in question. We are unable to accept the said contention. In the statement of facts as well as grounds there are specific assertions that not only the party respondents, but the official respondents also wilfully disobeyed the directions contained in the judgment in



the writ petitions. The direction to the official respondents is to render necessary assistance to the writ petitioners, Priests, Vicars, Diocesan Metropolitan, Malankara Metropolitan, etc. to peacefully enter the Churches concerned and to conduct religious services without let or hindrance and the period for accomplishing the said acts was fixed as two months. In the contempt petitions, the attempts made by the official respondents for implementing the said direction are narrated. The very submission of the learned Additional Advocate General is that despite repeated attempts, the said direction could not be implemented for, the appellants along with a posse of their men prevented. No further materials are required to hold that the directions remain unenforced and its cause is wilful disobedience on the part of the appellants.

18. Whether the action sought is for a civil contempt or a criminal contempt is another question posed by the appellants. The reasons for which the appellants were to be proceeded against for the contempt of court is disobedience



of the judgments in the writ petitions. "Civil contempt" is defined in Section 2(b) of the Contempt of Courts Act, which reads,-

"(b) "civil contempt" means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court."

19. The contempt petitions were filed with specific pleading and allegations that the contemnors have to be punished for the disobedience of the judgments in question. The Apex Court in **State of U.P. v. Association of Retired Supreme Court and High Courts Judges at Allahabad [(2024) 3 SCC 1]** (at paragraph 32) held that disobedience of a judgment or order of the Court would amount only to civil contempt. Therefore, there cannot be any doubt; the contempt actions were initiated for the purpose of taking action for a civil contempt.

20. Steps on a contempt case are controlled by the provisions in the Contempt of Courts Act and the Rules made thereunder. It is submitted that in order for facilitating the



High Courts to exercise its powers under Article 215 of the Constitution of India, the Contempt of Courts Act was enacted and the Rules were framed. Certainly, this Court is obliged to follow the procedure in the Act and Rules for convicting a contemnor. That does not, however, mean that inherent power vested with a High Court is in any way limited or curtailed by the provisions in the Act and the Rules in other matters, particularly to ensure enforcement of its judgment and orders.

21. The learned Single Judge impleaded the District Collector, Ernakulam and District Collector, Palakkad as additional respondents and gave directions to them to take over possession of the Churches in dispute. The learned Senior Counsel and also the counsel appearing for the appellants in the party appeals would submit that the said course is totally incorrect and against the scheme of the Contempt of Courts Act. The learned Senior Counsel has invited our attention to the principles laid down by the Apex Court in **Prithawi Nathram [(2004) 7 SCC 261]** and this Court in **Rajappan Nair v. Stephen Joseph [2005 (2) KLT**



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345] and **Subramanian C. [2024 KHC OnLine 1270]**. As against the said contentions, the learned Senior Counsel appearing for the party respondents places reliance on the decisions of the Apex Court in **Delhi Development Authority v. Skipper Constructions Co.(P) Ltd. [(1996) 4 SCC 622]** and **Balwantbhai Somabhai Bhandari v. Hiralal Somabhai Contractor (deceased) Rep.by LRs. [AIR 2023 SC 4390]** and a decision of the Calcutta High Court in **Derby Sales Pvt.Ltd. v. Sanjay Mitra, Chief Secretary, Land & Land Reforms Department [2017 SCC OnLine Cal.54]**. The learned Senior Counsel also pointed out an earlier instance where this Court resorted to a similar recourse in Cont.Case (C) No.777 of 2020. That order was upheld vide judgment dated 16.10.2020 in W.A.No.1046 of 2020 also.

22. In **Rajappan Nair [2005 (2) KLT 345]** a Division Bench of this Court was dealing with a Contempt Appeal filed under Section 19(1) of the Contempt of Courts Act, against the order dated 01.03.2005 of the learned Single Judge in



Cont. Case (C)No.1542 of 2004. The direction contained in the judgment dated 31.03.2004 of the learned Single Judge in W.P.(C)No.39412 of 2003 reads thus;

“The 2nd respondent will produce a copy of this judgment before the Secretary to Government Co-operative Department along with a copy of the writ petition within a period of one month from today. In case there is no interim order as of now against the implementation of Ext.P2, the 2nd respondent will implement Ext.P2 by reinstating the petitioner subject to the result of the appeal.”

23. The Division Bench disposed of W.A.No.880 of 2004 filed by the 2nd respondent Co-operative Society, by the judgment dated 18.05.2004, stating as follows;

“Since the question of stay was not examined by the learned Single Judge and the direction was issued subject to the condition that there was no stay order operating in favour of the appellant, we are clearly of the view that it is open to the latter to approach the appellate authority and ask for stay of the operation of the order passed by the Registrar rescinding the resolution terminating the services of the 1st respondent. We therefore, dispose of this appeal with a direction to the appellate authority to consider the



prayer for stay made by the appellant in accordance with law after hearing the parties without being influenced by any of the observations made by the learned Single Judge.”

24. The stay petition was later heard by the Government and was rejected by the order dated 24.08.2004. Since the direction of the learned single Judge was not implemented, the respondent filed Cont. Case (Civil) No.1542 of 2004. Before the learned Single Judge, it was contended by the appellant that in view of the judgment dated 18.05.2004 in W.A.No.880 of 2004, the direction given by the learned Single Judge in the judgment dated 31.03.2004 in W.P. (C)No.39412 of 2003 to reinstate the respondent in service, subject to the result of the appeal pending before the Government, did not survive and the same has merged in the judgment of the Division Bench.

25. The learned Single Judge, however, gave a positive direction to respondents No. 1 and 2 to reinstate the petitioner in service within two days from the date of that order. It was in that context, the appellant contended that



contempt court has exceeded its jurisdiction in issuing such a positive direction. It was also contended that the appellant was not given notice calling for his explanation or heard before passing such an order. Further contention was that the learned Single Judge was not justified in reaching a conclusion that the court was misled by the appellant. On the other hand, the respondent contended that there was deliberate defiance of the orders passed by the learned Single Judge.

26. A reading of the order dated 01.03.2005 in Cont. Case (Civil) No. 1542 of 2004, which is extracted below, make it explicit the reason why the appellate Court interfered with that order;

“However, in view of the stand taken by respondents 1 and 2 in the affidavit that the reinstatement is not made due to lack of clarity regarding the direction, pending further orders in the matter, it is only in the interests of justice and for securing the ends of justice that a positive direction is issued. Therefore, there will be a direction to respondents 1 and 2 to reinstate the writ petitioner, who is also the petitioner herein, in service. The order reinstating the petitioner shall be passed within two days from today and the same shall be produced before this court on 04.03.2005.”



27. After referring to the provisions under Rule 6 of the Contempt of Courts (High Court of Kerala) Rules, which deals with taking cognizance, and Rule 9, which deals with preliminary hearing and notice, the Division Bench set aside the direction given by the learned Single Judge. It was also held that in a contempt case, the Court can only examine whether the direction already given has been complied with or not, and no positive direction can be given. By giving such a positive direction, the learned Single Judge travelled beyond the scope of the appellate judgment and created new rights and obligations, which is impermissible in the exercise of contempt of court jurisdiction. That legal position is well settled by the decision of the Apex Court in **Prithawi Nathram [(2004) 7 SCC 261]**. Under such circumstances, in **Rajappan Nair [2005 (2) KLT 345]**, the Division Bench set aside the direction given by the learned Single Judge.

28. In **Subramanian C. [2024 KHC OnLine 1270]**, the contempt case was initiated with the allegation that the sole respondent disobeyed the order of the Court. The



direction in the order was to that respondent. The learned Single Judge, however, on 08.04.2024 passed an order directing the additionally impleaded second respondent to ensure compliance of the orders of the Court passed against the original respondent and also the order passed by the Educational Authorities. On the facts of that case, the Division Bench held that such a fresh direction to the additionally impleaded party cannot be given in a contempt of court proceedings.

29. Position of law is thus clear. The provisions of the Contempt of Courts Act do not provide a procedure for taking any positive action anew beyond punishing the contemnor in case of disobedience of a judgment, order, etc. of the court. But the Apex Court held on multiple occasions that in a contempt of court proceedings the court has powers to put back the parties to the same position as they stood prior to the order in question and that those who defy the order or direction of the court should not be allowed to enjoy the fruits of their defiance.



30. In **Delhi Development Authority [(1996) 4 SCC 622]** the Apex Court held in lucid terms that a contemnor ought not to be permitted to enjoy and/or keep the fruits of his contempt. In **Mohammed Idris v. R.J. Babuji [1985 (1) S.C.R.598]** the Apex Court held that undergoing the punishment for contempt does not mean that the Court is not entitled to give appropriate directions for remedying and rectifying the things done in violation of its orders.

31. The following observations in **Clarke v. Chadburn [1985 (1) All.E.R. 211]** make the principle eloquent:

"I need not cite authority for the proposition that it is of high importance that orders of the court should be obeyed. Willful disobedience to an order of the court is punishable as a contempt of court, and I feel no doubt that such disobedience may properly be described as being illegal. If by such disobedience the persons enjoined claim that they have validly effected some change in the rights and liabilities of others, I cannot see why it should be said that although they are liable to penalties for contempt of court for doing what they did, nevertheless those acts were validly done. Of course, if an act is done, it is not undone merely by pointing out that it was done in breach in law. If a meeting is held in



breach of an injunction, it cannot be said that the meeting has not been held. But the legal consequences of what has been done in breach of the law may plainly be very much affected by the illegality. It seems to me on principle that those who defy a prohibition ought not to be able to claim that the fruits of their defiance are good, and not tainted by the illegality that produced them."

32. Adhering to the proposition of law laid down in the aforementioned decisions a Division Bench of the Calcutta High Court in **Derby Sales Pvt.Ltd. [2017 SCC OnLine Cal.54]** answered the question whether the Court should stop by issuing a Rule or should pass further orders for implementation of its order. One of the arguments was that on a contempt application no substantive or consequential orders could be passed. It was held that although the court exercises special jurisdiction under the Contempt of Courts Act, the inherent power of the Court to do complete justice between the parties is not abrogated or abridged. It is well-settled that a contemnor ought not to be permitted to enjoy and/or retain the fruits of his contempt.



33. In **Balwantbhai Somabhai Bhandari [AIR 2023 SC 4390]** one of the questions was could, in a contempt of court proceedings, a transfer of the suit property pendente lite can be declared to be void in order to maintain the majesty of law? The Apex Court held at paragraph No. 116(iii) as follows;

“Although the transfer of the suit property pendente lite may not be termed as void ab initio yet when the court is looking into such transfers in contempt proceedings the court can definitely declare such transactions to be void in order to maintain the majesty of law. Apart from punishing the contemnor, for his contumacious conduct, the majesty of law may demand that appropriate directions be issued by the court so that any advantage secured as a result of such contumacious conduct is completely nullified. This may include issue of directions either for reversal of the transactions by declaring such transactions to be void or passing appropriate directions to the concerned authorities to ensure that the contumacious conduct on the part of the contemnor does not continue to enure to the advantage of the contemnor or any one claiming under him.” (underlines supplied)

34. In a similar instance of contempt action in Cont.Case (C) No.777 of 2020 the learned Single Judge of this Court on 29.07.2020 directed the District Collector to take



over the possession of the church, and further to hand over the church to the petitioners. When that order was challenged in appeal, the Division Bench as per the judgment dated 16.10.2020 in W.A.No.1046 of 2020 confirmed the order in Cont.Case (C) No.777 of 2020.

35. Thus, the law appears to be well-settled. The court has sufficient power to pass an order on a contempt application for closing the breach. The court cannot and should not rest by passing a punitive order against the contemnor. It is the duty of the Court to see that its order is implemented and the contemnor does not enjoy the benefits he has derived by violating the court's order. If this is not done, the entire process of law and justice shall become a farce.

36. In view of what is stated above the conclusion is irresistible. The learned Single Judge acted within the contours of his jurisdiction alone while passing the impugned order, by which District Collectors were impleaded and directed to take over possession of the respective Churches.



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We find no reason to hold the said order wrong or infirm.
These appeals therefore fail. The appeals are accordingly
dismissed.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE

dkr