

**(2010) 09 KL CK 0436**

**In the High Court Of Kerala**

**Case No : Writ Petition (C) No. 29374 of 2010 (V)**

Thomas John

APPELLANT

Vs

K.C. John and Others

RESPONDENT

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**Date of Decision :** 23-09-2010

**Acts Referred:**

**Citation :** (2010) 09 KL CK 0436

**Hon'ble Judges :** M.C. Hari Rani, J;K.M. Joseph, J

**Bench :** Division Bench

**Advocate :** K. Sabu, for the Appellant; No Appearance, for the Respondent

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## **Judgement**

K.M. Joseph, J.—The prayers in the writ petition are as follows:

i). to issue a writ of mandamus or other appropriate writ, direction or order directing respondents 8 to 12 to render adequate protection to the petitioner and church properties.

ii) to issue a writ of mandamus or other appropriate writ, direction or order directing the respondents 8 to 12 to take effective and immediate action on Exhibit P9 representation.

2. Briefly put, the case of the petitioner is that petitioner is an evangelist and the Divisional Overseer of "the Society Church of God. The most important aim of the church is the gospel work. Petitioner got ordained by issuing Bishop certificate as per Ext.P2. By Ext.P3, the Field Director of the church of God Asia/Pacific has extended the tenure of the office till August 31, 2010. Ext.P4 is the extension certificate allegedly issued by the highest authority of the church. There is allegation about Ext.P5, the alleged letter sent to the petitioner by the Ist respondent contending false allegations. Petitioner filed Ext.P6 suit O.S. No. 460/2010 and Ext.P7 application for temporary injunction. The Munsiff court, Kottayam has appointed an Advocate Commissioner. Ext.P8 is the commission report in the suit filed by the petitioner. Thereafter, it is stated that respondents 1 to 7 are obstructing the petitioner from performing his official duties. It is also

stated that they have given threat to his body. As the petitioner is the divisional overseer he has to go to different parts of the world, it is stated. Petitioner filed Ext.P9 representation.

3. We heard the learned Counsel for the petitioner. After going through the writ petition we are not convinced that the petitioner has made out a case for this Court to exercise the extra ordinary jurisdiction. Petitioner has already instituted a civil suit. An interlocutory application is also pending consideration. At this stage, we do not think that it is appropriate for this Court to interfere in the matter. We relegate the petitioner to pursue his remedies before the civil Court. We make it clear that, if the petitioner complains of commission of any cognizable offence by the party respondents before the official respondents, respondents 11 or 12 such of the official respondents before whom the complaint is lodged shall take action on the same in accordance with law.