

# HC DEFERS PROCEEDINGS ON ORDER ON CHURCH TAKEOVER

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Long battle:A file photo of Jacobite members protesting at the Kothamangalam Marthoman church.

A Division Bench of the Kerala High Court deferred till January 15 further proceedings based on a single judge order directing the Central Reserve Police Force to take over the Kothamangalam Marthoman church if the Ernakulam District Collector did not comply with its earlier order this regard by January 8.

The Bench comprising Justice Alexander Thomas and Justice T.R. Ravi passed the order on an appeal filed by the State government against the single judge's order. The single judge had passed the order on a contempt of court petition filed by the Orthodox faction against the Collector for not complying with an earlier High Court directive.

## 'Beyond power'

State Attorney K.V. Sohan contended that the directive was beyond the power of the single judge. It amounted to interference with the sovereign power of the State over law and order issues. If the court found that the action of the Collector was contemptuous, the single judge could only refer it to a Division Bench. The single judge's order had violated rules on the contempt of court proceedings.

The Bench orally observed that the issues raised by the State government in the appeal required a serious hearing. It would examine whether the single judge could issue a directive of this nature in a contempt proceeding at the admission stage. The government in its appeal said the single judge ought to have directed the Chief Secretary to initiate action if the Collector did not comply with its directive.

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