



THE MALANKARA ORTHODOX SYRIAN CHURCH
CATHOLICATE OF THE EAST

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07.08.2019

To,

THE CHIEF SECRETARY
Government of Kerala
Secretariat
Thiruvananthapuram

**SUB: JUDGMENT AND ORDERS OF THE HON'BLE SUPREME COURT
OF INDIA IN THE FOLLOWING APPEALS.**

Ref: 1. Civil Appeal No.8789 and 8790 of 2015
V.E. Thomas & Ors.

Versus
Mathai Varghese & Ors.
Judgment dated 03.07.2017

2. Civil Appeal No.2446 of 2019
C.J. Baby & Ors.
Vs.
Fr. Jiju Varghese & Ors.
Order dated 26.02.2019

3. Civil Appeal No.2447 of 2019
Shaji Jacob & Ors.
Versus
Fr. Aliyas & Ors.
Order dated 26.02.2019

4. Civil Appeal No.2448 of 2019
K.V. Jose & Ors.
Versus
Jommon Joseph & Ors.
Order dated 26.02.2019

5. S.L.P. (Civil) No. 12461 of 2019
St. Mary's Orthodox Church & Ors.
Versus
The State Police Chief & Ors.
Orders and direction dated 02.07.2019

1. Please refer to the above judgments, orders and the directions therein of the Hon'ble Supreme Court of India and the representations presented to you, for the enforcement and implementation of the said judgment and orders through the Officials of the Government.

2. The Hon'ble Supreme Court has, by the order dated 02.07.2019, directed "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".
3. However, in breach of the said direction and the judgment and orders referred above, your Government has issued G.O.(Rt)No.10/2019 dated 01.01.2019 and constituted a Cabinet Sub-Committee for settlement of the disputes in Malankara Church cases. The Committee is continuing its proceedings by holding its meetings even as late as 31.07.2019 despite the intimation given by the Malankara Orthodox Syrian Church that it is not willing to any mediation in the matter.
4. The formation of a Committee for the settlement of the disputes and its continuance is a breach of the order and direction of the Hon'ble Supreme Court of India. The Government of Kerala or the Committee, has no authority to interfere with a judgment of the Hon'ble Supreme Court finally and conclusively settling all the disputes between the parties in Civil suits. No party can be compelled or coerced or pressurized to agree for an unwilling settlement. The Malankara Orthodox Syrian Church has specifically and categorically informed the above Committee that it is not willing for any mediation and has requested the Government to implement the judgment forthwith as ordered by the Hon'ble Supreme Court. In the circumstances, the formation of a Committee by G.O. (Rt) NO.10/2019/Home dated 01.01.2019 and its persistant continuance by the Govt. of Kerala is a willful dis-obedience of the judgment and order of the Hon'ble Supreme Court and constitute contempt of the Hon'ble Supreme Court of India.

5. Again, you have willfully violated the above said judgment and orders of the Hon'ble Supreme Court of India. The judgment and orders and directions of the Hon'ble Supreme Court of India is the law of the land and the State Government has to obey and implement the judgment particularly because the Hon'ble Supreme Court vide order dated 26.02.2019 had directed the authorities to act in terms of the judgment. By judgments dated 03.07.2017 and 28.08.2018 and orders following them, no parallel administration can be permitted in the Malankara Orthodox Syrian Churches. However your officials have not only prevented parallel administration but also allowed or encouraged parallel administration by the dissident Patriarch group in several parish churches, the details of which are already given in the representations submitted to you by the above parish Churches and other parish churches. That the Malankara Church is to be administered under its 1934 constitution is well settled by several decisions of the Hon'ble Supreme Court from 1958 to 2018. No person other than the one consecrated or appointed under the 1934 Constitution can function or administer the Malankara Churches. However, inspite of specific requests by the parish Churches, the officials under you, including the Police, are allowing parallel administration by unlawful priests in the above churches and are permitting them to conduct religious services, by giving police protection to the dissident Patriarch group and to occupy the parish Churches by muscle power, to bury the dead with the protection and help of your Police force, to indulge in Crimes by the dissident group in the premises of the Churches, and to violate the orders and directions of the Subordinate Courts and of the Hon'ble High Court of Kerala in spite of contempt of Court proceedings already taken by the Courts against the

concerned officials and refuses to investigate into FIRs lodged by lawful Vicars. Such acts and various other similar acts, the details of which are given in the representations referred to above, is a wilfull disobedience of the Judgment and orders of the Hon'ble Supreme Court by the Government of Kerala and its concerned officials and constitute contempt of the Hon'ble Supreme Court of India, punishable under the Contempt of Courts Act, 1971.

6. Further, when specific complaints about the breach and violations are made to you as the Head of the State administration machinery for remedial action, you have referred those complaints to the illegally appointed Committee for action thereon thereby failing in your official duty to enforce law and order and the direction of the Hon'ble Supreme Court of India to implement the judgment forthwith which is yet another instance of contempt of Court committed by you.
7. You and your Government and some of its Officials, named in the representations, are acting as if the Government of Kerala is above law and it need not obey the law settled by the Hon'ble Supreme Court of India.
8. In spite of the judgment, orders and directions of the Hon'ble Supreme Court of India, you, as Chief Secretary of the Government, has not issued any order or direction to your subordinate officials, including the Police, to implement or enforce the judgment, orders and directions when obstructions and disobedience made by the Patriarch group are brought to your notice. At the same time conferences and meetings of your Officials, including Police heads were convened and held by you to discuss and instruct, it is understood, how not to

enforce the orders of the Supreme Court in the Malankara Church cases.

9. The above and similar other acts of violation of the judgments, orders and directions of the Hon'ble Supreme Court of India, by you constitute contempt of Court under the Contempt of Courts Act, 1971. Therefore please take notice that unless the judgments dated 03.07.2017, 28.08.2018 and the orders dated 26.02.2019 and 02.07.2019 are implemented within a period of seven days from the date of receipt of this notice, appropriate action in accordance with law, including under the Contempt of Courts Act, 1971 shall be initiated against you and your officials named in the representations.

Thanking you,

Yours Sincerely

Kottayam,

For the Malankara Orthodox Syrian Church



Biju Oomen

Advocate,

Secretary,

Malankara Orthodox Syrian Church

Devalokam - Aramana

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