

(2012) 03 JH CK 0008

Jharkhand High Court

Case No: Writ Petition (C) No. 7063 of 2011

Bengal, Orissa, Bihar Baptist
Churches' Association and
Others

APPELLANT

Vs

The State of Jharkhand and
Others

RESPONDENT

Date of Decision: March 12, 2012

Acts Referred:

- Constitution of India, 1950 - Article 226, 227

Hon'ble Judges: Narendra Nath Tiwari, J

Bench: Single Bench

Advocate: Anil Kumar, for the Appellant;

Final Decision: Dismissed

Judgement

Narendra Nath Tiwari

1. In this writ petition the petitioners have prayed for declaration holding the entire process of election conducted for the office bearers of Emmanuel Baptist Church at AGRICO, Sitaramdera, Jamshedpur by order of respondent Nos. 3 and 4 as illegal and without jurisdiction. It has been contended that the said election is to be conducted by petitioner No. 1 only and none else of the Association has got jurisdiction to interfere with such proceeding or taking control over the property of the petitioners' Trust. The petitioners have prayed for further direction on the respondents to allow the member of the petitioners' Association to hold their prayer within the Church premises separately, restraining all other persons to interfere with the functioning and proceeding of the said Church. It has been stated that the petitioners wanted to hold election but the private respondents started creating hindrance in holding election for the said Church. The same was interfered with by the respondent No. 4. He directed for holding election under the supervision and control of the administration. The respondent No. 3 referred the matter to the

Mega Lok Adalat. Before the Mega Lok Adalat both the parties came to a settlement. The grievance of the petitioner is that the respondents have not acted in terms of the settlement and the election has been illegally held without following the terms of the settlement. The petitioner, in that circumstance, has prayed for declaring the entire process of election as illegal and without jurisdiction.

2. I have heard learned counsel for the petitioners and perused the facts stated in the writ petition. From the statements and submissions of the petitioners, it is manifest that there is a private dispute between the two factions of the Church in the matter of administration/holding of election. The dispute was earlier referred to Mega Lok Adalat and settlement was arrived at. The petitioners have complained that the election has not been held in accordance with the terms of the settlement and, as such, it be declared as illegal and without jurisdiction.

3. Mr. Anil Kumar, learned counsel appearing on behalf of the petitioners submitted that though there is a private dispute, since there was a compromise and other party has not acted in accordance with the terms of the compromise, this Court in exercise of its writ jurisdiction can quash the entire proceeding declaring the petitioners right and also declaring that the election was held in breach of the terms of the compromise. Learned counsel referred to and relied on a decision of the Supreme Court in [State of Punjab and Another Vs. Jalour Singh and Others](#), and submitted that in certain cases jurisdiction under Articles 226 and 227 of the Constitution has to be invoked in such matters.

4. Learned J.C. to A.A.G. opposed the petitioners' writ petition on the ground that there is a private dispute between the two factions of Church involving the dispute of holding election which cannot be adjudicated upon and decided in writ jurisdiction of this Court.

5. Having heard learned counsel for the parties, I find substance in the submission made by learned counsel for the respondents. From the writ petition including the prayer made, it is clear that the petitioners have got private dispute. They have claimed that the private respondents have breached the terms of the settlement.

6. The controversy involving disputed question of fact cannot be adjudicated upon and decided by this Court in writ jurisdiction.

7. The decision of the Supreme Court in the State of Punjab & Anr. (Supra) has been rendered on entirely different fact situation and is not applicable to the facts of this case. In view of the above, no ground is made out to entertain this writ petition and the same is, accordingly, dismissed.