

**THOTTATHIL B. RADHAKRISHNAN &
C.T. RAVIKUMAR, JJ.**

R.F.A. NO.589 OF 2011

Dated this the 20th day of September, 2011

ORDER

Thottathil B. Radhakrishnan, J

We find that the bench headed by the Hon'ble Chief Justice had passed an order on 6.9.2011.

2. During the Onam holidays, the District Collector/District Magistrate, Ernakulam had made a request to the Kerala Mediation Centre that disputes between the two factions laying claim to the St.Peter's and St.Paul's Church and Chappel, Kolencherry may be considered for mediation by mediators/observers. Therefore, the Kerala Mediation Centre extended its support by authorising accredited mediators. This matter has been brought to notice of the bench on the judicial side by report of the Director of the Kerala Mediation Centre. The interim report and final report of the mediators are also on record. The final report dated 18.9.2011 is placed stating that the mediation process was fruitful to some extent. It is not successful in the absence of any recorded settlement. The mediators suggested that only through court order, there can be settlement. These reports are recorded.

3. The learned Government Pleader intervened to make a statement on behalf of the district administration. He said that the parties have to maintain law and order and this may be ensured by orders issued in this appeal. We are clear in our mind that maintenance of law and order is a matter for the executive and, in only exceptional circumstances, it becomes necessary for judicial compulsion to ensure such exercise of police power by the State. We would regulate our orders and confine to see what orders are to be issued in this case in civil appellate jurisdiction, which is the essential limit within which this R.F.A and interlocutory application could be further considered, as of now.

4. R.F.A is admitted. Adv.Sri.P.Martin Jose takes notice for respondents 1, 3 and 9. Adv.Sri.Saji Varghese appears for respondents 2 and 5.

5. Going by the cause title, respondents 4 and 7 are shown to have died. Notice through special messenger to respondents 6, 8 and 10 to 16.

7. Post on 30.9.2011.

8. Call for the lower court records through messenger.

I.A.No.2720 of 2011

Issuance of notice and service in terms of the aforesaid order.

As already noticed, an order was passed on the appeal on 6.9.2011 by the bench headed by the Hon'ble Chief Justice. The Bench took note of the fact that interim reliefs to continue status quo and also for stay of the order impugned, were sought for. The bench did not find any justification for granting an order of stay in favour of the party whose suit was dismissed. We would defer further consideration of the issue of granting interim relief till service of notice is complete.

SD/-

THOTTATHIL B. RADHAKRISHN
(JUDGE)

SD/-

C. T. RAVIKUMAR
(JUDGE)

ASSISTANT REGISTRAR

TRUE COPY.

spc/20.09.11

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