

[3418]

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**WEDNESDAY, THE TWENTY FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO**

WRIT APPEAL NO: 1128 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 12-06-2024 in W.P.No. 4834 of 2024 on the file of the High Court.

Between:

Dr. Jannu Prasangi, S/o. Late Rev. Pastor Jannu Cornelius, Aged about. 68 years, Occ. Retd. Public Prosecutor and Advocate, R/o. H.No 30-265/21/S-12, R.K.H Colony, Dr. A.S Rao Nagar, Secunderabad - 500 062.

...APPELLANT

AND

1. The State of Telangana, Rep. by its Principal Secretary, Minority Welfare Department, Secretariat Buildings, Hyderabad.
2. The District Collector, Hyderabad District.
3. Fr. Arogyam Marineni, S/o. Not Known, Aged about. 60 years, Occ. Priest and Rector, St. Mary's Basilica, R/o St. Mary's Church, Parish Priest House, 1st Floor, Secunderabad - 500 003.

...RESPONDENTS

Counsel for the Appellant: SRI M.SALEEM

**Counsel for the Respondent No.1: SRI ANANTHULA RAVINDER, GP FOR
SOCIAL WELFARE**

**Counsel for the Respondent No.2: SRI MURALIDHAR REDDY KATRAM, GP
FOR REVENUE**

Counsel for the Respondent No.3: SRI K.JOSEPH BALA PRATAP

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Appeal No.1128 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. M.Saleem, learned counsel for the appellant.

Mr. Ananthula Ravinder, learned Government Pleader for Social Welfare Department appears for respondent No.1.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue Department appears for respondent No.2.

2. Heard on the question of admission.
3. This intra court appeal has been filed against order dated 12.06.2024, passed by a learned Single Judge by which writ petition preferred by the appellant *viz.*, W.P.No.4834 of 2024 has been dismissed.

4. Facts giving rise to filing of this appeal briefly stated are that the appellant claims to be member of St. Mary's Basilica Church, Secunderabad. According to the appellant, he was enrolled as member of the said church on 12.06.2015. The appellant approached the authorities of the church on 06.01.2024 seeking to deposit the yearly subscription regarding the family cards, but the church officials refused to receive the amount and did not allow the appellant as well as his family members to participate in the prayers. On enquiry being made, the appellant learnt that respondent No.3 directed the office not to receive any amount from the appellant with regard to monthly as well as the yearly subscriptions.

5. Thereupon, the appellant sent a legal notice dated 24.01.2024 requesting respondent No.3 *viz.*, the Priest and Rector of St. Mary's Basilica Church to allow



him to pay the contribution and to permit him to offer prayers. Respondent No.3, thereupon, sent a reply on 14.02.2024 *inter alia* on the ground that the appellant had shifted to another locality and asked him to take transfer letter from respondent No.3 and to take his family card at A.S.Rao Nagar Church. The appellant, thereupon, filed the aforesaid writ petition in which a direction was sought to the Minority Welfare Department and the District Collector, Hyderabad District, to take cognizance of the matter and to take action against respondent No.3 and to permit the appellant to practice and follow his faith by attending St. Mary's Basilica Church, Secunderabad, by receiving monthly and yearly subscriptions.

6. Learned Single Judge, by an order dated 12.06.2024, dismissed the writ petition *inter alia* on the ground that the appellant has failed to prove his legal right, which is said to

be governed by the action of respondent No.3 *viz.*, Priest and Rector of the Church. Hence, this appeal.

7. Learned counsel for the appellant submitted that the learned Single Judge ought to have appreciated that the appellant has the fundamental right to practice the religion of his own choice, which is guaranteed by Article 25 of the Constitution of India. In support of his submission, learned counsel for the appellant has placed reliance on a decision rendered by a learned Single Judge of Kerala High Court in **Saju Joseph v. State of Kerala (WP(C).No.7091 of 2022 dt. 04.03.2022)**.

8. We have considered the submissions made on both sides and have perused the record.

9. Undoubtedly, the appellant has a fundamental right to practice the religion of his choice, which is protected by

Article 25 of the Constitution of India. Therefore, the finding recorded by the learned Single Judge that the petitioner failed to establish any legal right cannot be sustained. It is, accordingly, set aside. However, it is pertinent to note that the relief in the writ petition has been sought against an individual, who does not fall within the meaning of Article 12 of the Constitution of India. Therefore, we are not inclined to interfere with the conclusion arrived at by the learned Single Judge.

10. However, the order dated 12.06.2024, passed by the learned Single Judge in W.P.No.4834 of 2024 is modified and the appellant is granted liberty to take recourse to such remedy as may be available to him in law with regard to his grievance in the light of the fundamental right guaranteed to him under Article 25 of the Constitution of India.

11. With the aforesaid liberty, the Writ Appeal is disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

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SD/- K. SHYLESI
DEPUTY REGISTRAR
SECTION OFFICER

To

1. The Principal Secretary, Minority Welfare Department, Secretariat Buildings, Hyderabad, State of Telangana.
2. The District Collector, Hyderabad District.
3. One CC to SRI M.SALEEM, Advocate [OPUC]
4. Two CCs to GP FOR SOCIAL WELFARE, High Court for the State of Telangana, at Hyderabad. [OUT]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
6. One CC to SRI K.JOSEPH BALA PRATAP, Advocate [OPUC]
7. Two CD Copies

PSK.

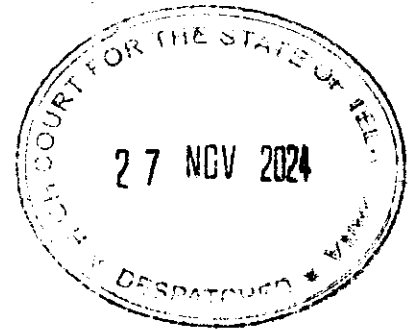
LS *K*

HIGH COURT

DATED:25/09/2024

JUDGMENT

WA.No.1128 of 2024



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS.**

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25/10/24