

HAPPY FINALE OF NARKKAL EPISODE

Introduction

Many individuals and organizations have been supporting the Sisters of Little Flower Convent, Narakkal CMC community in their fight against the parish, mighty hierarchy and the authorities of CMC Congregation for justice and truth. Their long drawn struggle of eight years was to prove that the Little Flower School and the 3.69 acres of land belong to the Little Flower Convent Narakkal and not to St. Mary's parish as claimed by the parish priest and the bishop. They did not want the ownership of the school and the property to be usurped by the parish priest with the support of the bishop. Despite the persecutions and untold suffering they had to undergo they pursued their cause till they achieved their goals:

- The Supreme Court of India unambiguously held that the Educational Agency and the Managership of the Little Flower High School Narakkal belong to the Little Flower Convent Narakkal.
- As per the order issued by the Additional Tahsildar, Kochi dated 06/11/2013, the land and property (3.69 acres plus $\frac{3}{4}$ cents) attached to the Little Flower Convent, Little Flower High School and St. Joseph's Public School belong to Little Flower Convent Narakkal.
- The case related to the transfer order of Mother Superior, Sr. Jessy was settled among the parties (the Narakkal community and the Major Superiors) through an out of court settlement at the suggestion and persuasion of Sri. P.K. Mohandas, the Sub judge of Kochi court on 19th February 2015. Both the parties agreed to honour the verdict of the Supreme Court.

Once they achieved their goals the four Sisters Josepheena, Basalina, Jessy, and Annie Jaise happily accepted their transfer order and handed over the charge of the two schools and of the convent along with all documents to the new team of six Sisters on 2nd May 2015 and left for their newly assigned convents. The following is a short description of the whole episode.

1. Ownership of the school

The Little Flower Girls High School, Narakkal was established by the Mother Superior of the Little Flower Convent as per orders obtained from the Director of Public Instruction of the Princely State of Cochin in the year 1945(Later on it was developed as a mixed high school).

The Mother Superior nominated the Vicar of St. Mary's Church Narakkal as the manager of Little Flower Girls High School for a period of three years.

In 1971 the then Vicar of St. Mary's Church Narakkal prepared a bye-law for the management of the school and got the same approved on 05/10/1971 by the Regional Deputy Director of Public Instruction, wherein the school is declared as one owned, managed and controlled by the St. Mary's Church.

The Mother Superior of the convent came to know about it only in February 2008.

On 02/04/2008 the Mother Superior filed a petition before the Government of Kerala requesting cancellation of the order of the Regional Deputy Director obtained through fraud and manipulation, and restoration of the Educational Agency and management of the school to its original owner, the Mother Superior of Little Flower Convent.

The Government after hearing both sides and verifying the records, particularly the title deeds of the land, tax receipts and other documents produced by the Mother Superior (The Vicar could not produce any documents) found that the school was set up and run by the Convent and even- though the Vicar on nomination continued to function as manager for long, the Vicar or the Church has no propriety interest in the school.

The Government accordingly cancelled the order issued by the Regional Deputy Director and restored the Educational Agency and managership to the Mother Superior of the Little Flower Convent.

The DEO issued the follow up order on 03/10/2008 recognizing the Convent as the Educational Agency to manage the school and the Mother Superior as the Manager of the school.

The Vicar of St. Mary's Church Narakkal filed a Writ Petition before the Kerala High Court for a declaration that the Government of Kerala has no authority or jurisdiction to cancel the order issued in 1971 by the Regional Deputy Director recognizing the Church as Educational Agency and the Vicar as Manager of the Little Flower High School. The Single Judge in his judgment dated 11/08/2010 accepted the contentions of the Vicar and held that the Government has no jurisdiction whatsoever to interfere with the order issued by the Regional Deputy Director and vacated the Government order and the follow up order issued by the DEO.

The Mother Superior filed Writ Appeal in the Kerala High Court against the Judgment of the Single Judge on 10/03/2011. The Division Bench of the Kerala High Court on 12/04/2011 vacated the Judgment of the Single Judge and restored the order issued by the Government.

Aggrieved by the order of the Division Bench of the Kerala High Court, the parish priest of St. Mary's Church Narakkal filed Special Leave Petition (SLP) before the Supreme Court with the Mother Superior of the Little Flower Convent as opposite party. Senior lawyers Mr. C.S. Rajan, Mr. P.A. Noormuhamed and Ms. Jiffara S appeared for the parish priest. The Mother Superior was not informed of the case and hence no one represented her in the Court. On 11th May 2011 Hon'ble Mr. Justice R.V. Raveendran and Mr. Justice. A.K. Patnaik upon hearing the counsels on behalf of the petitioner (parish priest) dismissed the Special Leave Petition (SLP) as it had no merit to be admitted.

The Vicar filed an application in the Supreme Court for modification and clarification of the order of the Supreme Court dated 11/05/2011 in the Special Leave Petition (SLP). The case was listed on 02/04/2012, 07/05/2012 and 16/07/2012 when arguments were heard by Hon'ble Mr. Justice R.M. Lodha and Mr. Justice Anil. R. Dave. After hearing both sides at length, the Court was pleased to dismiss the application filed by the Vicar.

It is unambiguously held that the Educational Agency and the Managership of the Little Flower High School Narakkal belong to the Little Flower Convent Narakkal.

2. Conflict between CMC Superiors and Narakkal community

The entire CMC leadership solidly stood behind the Narakkal community in the beginning in its struggle to regain the ownership and managership of Little Flower High School from the Vicar of St. Mary's Church Narakkal who had misappropriated the same through fraudulent means. Once the Government of Kerala restored the Educational Agency and managership with the Mother Superior, Bishop Thomas Chakkiath pressurized the then Provincial of Vimala Province and the General of CMC to give up the ownership and managership in favour of the Vicar and warned the Narakkal community of severe consequences if they fail to follow his line. Thus began the conflict between the CMC leadership (Provincial and the Mother General) who betraying the office they have been holding, the congregation and the Narakkal community, changed their position on the issue and the Narakkal community who have been struggling hard to safeguard the institutions of the Congregation. Succumbing to the pressure of Bishop Chakkiath, the Provincial ordered transfer of all the members of Narakkal community. Some of the members accepted the transfer order. Others, conscious of their inherent duty to stand for justice and protect the institutions of the Congregation resisted the transfer order. The Mother General then issued an order "precept under obedience" to arbitrarily remove the Mother Superior of the Narakkal convent from the office of Mother

Superior. The Mother Superior submitted a petition in the Court of the Principal Sub Judge, North Paravur against the order “precept under obedience”. After hearing both sides, on 6th August 2009, the Principal Sub Judge restrained the Mother General and all the authorities under her from removal or termination of the petitioner from the post of Mother Superior of the convent, or taking any penal action against the petitioner until further orders or till the disposal of the suit. The Mother General submitted an appeal petition in the Court of the Additional District Judge against the order of the Principal Sub Judge. The appeal having been finally heard on 29/06/2010, the Additional District Judge confirmed the order passed by the Principal Sub Judge and dismissed the appeal on 14th July 2010.

The present Provincial brought the case to the Court of the Sub Judge of Kochi. The Judge Sri. P.K. Mohandas after listening to both parties suggested out of court settlement of the issue. Thus the matter was settled among the parties and suit decreed in terms of compromise on the 19th day of February 2015. As per the terms and conditions, the Narakkal CMC community and the Provincial have settled all internal disputes with regard to the management and administration of the Little Flower High School as well as St. Joseph’s Public School, Narakkal. Sr. Jessy undertook to relinquish the managership of both the schools and Sr. Annie Jaise undertook to relinquish the principalship of St. Joseph’s Public School, Narakkal. The present sisters of Little Flower Convent Narakkal agreed to accept and act upon the transfer order that would be issued by the Provincial at the time of the general transfer which during the year 2015 would be issued on 16/04/2015 and effective on 02/05/2015. Accordingly Srs. Josepheena, Basalina, Jessy, and Annie Jaise were transferred to different convents of Vimala Province on 2nd May 2015.

Both the parties agreed to respect the Judgment in the Writ Appeal No: 28/2010 confirmed by Hon’ble Supreme Court of India in the Special Leave petition (Civil) No: 12909 to 12911/2011 dated 11/05/2011. The harmonious settlement of the issues related to Narakkal community would be communicated by the Provincial to all the convents of CMC Vimala Province.

3. The criminal Case

The criminal case, under various Sections of the Indian Penal Code against the then parish priest of St. Mary’s Church, Narakkal and eight others including Bishop Thomas Chakkiath and Fr. Thomas Kilukkan, the then Asst. parish priest, arising out of a physical and mental torture and assault on Sr. Raisy Rose on 25/01/2009 at the poor home (orphanage) attached to the convent is still pending before the Judicial First Class Magistrate Court Kochi.

4. Land Issue

As per the order of the Additional Tahsildar, Kochi dated 06/11/2013, issued after having heard the concerned parties, verified the land documents submitted by Little Flower Convent Narakkal and St. Mary’s Church Narakkal and examined all relevant Government records in the Registration and Land Survey Departments, the land and property (3.69 acres plus $\frac{3}{4}$ cents) attached to the Little Flower Convent, Little Flower High School and St. Joseph’s Public School belong to Little Flower Convent Narakkal.

Prepared by Fr. Sebastian Kizhakkekutt