

**AN APPLICATION FILED BEFORE HIS EMINENCE CARDINAL
GEORGE ALENCHERRY, MAJOR ARCHBISHOP OF SYRO-
MALABAR CHURCH SEATED AT ERNAKULAM IN TERMS OF
CANON 997 AND 998 OF THE CODE OF CANONS FOR
EASTERN CHURCHES (CCEO)**

Syro-Malabar Catholics for Unity (Gujarat),
C/o: 2-Samrudhi Flats, Near Zaveri Bungalows,
Bhaikaka Nagar,
Thaltej, Ahmedabad-380 059.

... .. Applicant

Vs

1. Mar Raphael Thattil,
Hon'ble Bishop of Shamshabad,
St. Mary's Syro Malabar Catholic Church,
Sy.No. 76/60-62, RCI Road, Keshogiri PO,
Balapur-500 005 R.R. Dist. (Telangana).
2. Rev.Fr. Francis Eluvathingal,
Protosyncellus for the Eparchy of Shamshabad,
St. Mary's Syro Malabar Catholic Church,
Sy.No. 76/60-62, RCI Road, Keshogiri PO,
Balapur-500 005 R.R. Dist. (Telangana).

Respondents

**MOST RESPECTFULLY SUBMITTED BEFORE HIS EMINENCE
CARDINAL GEORGE ALENCHERRY, MAJOR ARCHBISHOP OF SYRO-
MALABAR CHURCH SEATED AT MAJOR ARCHBISHOP'S HOUSE,
ERNAKULAM, KERALA THAT:-**

1. That the applicant, i.e. Syro-Malabar Catholics for Unity (Gujarat) [SMC4U, for brevity] is a Public Charitable Trust formed by the Syro-Malabar community members who are domicile of Ahmedabad within the State of Gujarat and functions in accordance with the aims and objectives enshrined in its constitution. The Trust has already submitted the requisite documents for its registration to the concerned authority of the Government of Gujarat.
2. That the members of SMC4U comprise of Syro-Malabar Catholic faithful who have migrated to Gujarat since past 70-75 years and have been practicing their faith and receiving pastoral care in their own rite and tradition with the support from the pastors from the Dioceses and Congregations of Latin Church in Gujarat. Following the erection of the Eparchy of Shamshabad, members of SMC4U have decided to exercise their rights "to remain fully involved in the life and activities of the parish of the Latin Church for which no dispensation is required from the law currently in force for the

faithful to practice their faith serenely, but only the solicitude of both the Latin and the Syro-Malabar Pastors”.

3. That Mar Raphael Thattil, Bishop of Shamshabad has publicly declared and stated on record that he would extend all facilities provided by the Sacred Congregation of Oriental Churches vide Instructions Prot. No. 197/2014 dated 28.01.2016 and the Papal Decree dated 09.10.2017. However, in practice, His Excellency is involving in activities which controvert the spirit of the Instructions of Sacred Congregation and which are against the mind of Holy Father and Mother Church. It is regretfully submitted that His Excellency is communicating intolerant language and intimidating messages to the gullible faithful through his own pastoral letters and through the priests appointed by him. People are being warned of sacramental bans and impediments in their future spiritual journey.

4. That SMC4U file this application before Your Eminence to bring to your kind notice the illegality and impropriety involved in the Decree No. SHD/15.02/1/2018 dated 21.04.2018 given by the Hon'ble Bishop of Shamshabad from the Eparchial Curia, Shamshabad, as discussed in the following paragraphs. Copy of the Decree is annexed as **Exhibit-'A'**.

5. That the Decree, *inter alia*, addresses the Syro-Malabar faithful of the Civil Districts of Ahmedabad, Anand and Kheda and hence the members of SMC4U, individually and collectively, consider injured by certain provisions of the same as stated in CCEO Can.997§1. The decree has not been issued within the existing provisions of Canon Law. It lacks sanctity due to its misinterpretation of the legal provisions and disguised way of imposing the unimpossible upon the faithful.

6. That the decree causes erection of one Mission Center in the name of St. Thomas Mission, comprising of 12 Qurbana Centers (Mass Centers) spread across the civil districts of Ahmedabad, Anand and Kheda. It is submitted that these centers were already functioning as personal parishes or mass centers as per the arrangements made by the Latin Diocese of Ahmedabad in terms of CIC Can 383§2 read with Can.518; CCEO Can 193§2 read with Can.280. Such arrangements are required to be made by the Bishops when faithful from different Churches *sui juris* are domicile within his diocese under his pastoral care. However, there is no legal sanctity for mass centers established by the bishops under whose pastoral care faithful from only a single Church *sui juris* are domicile. In other words, the mass centers established by the Bishop of Shamshabad are nothing but a disguised version of territorial/canonical parishes. This is quietly evident from the wordings of the decree. We believe that this amounts to wrong precedence of functioning two parishes with two parish priests from the same church building using the same infrastructure and facilities. This has caused grave confusion and dismay among the faithful who exercise their rights to continue with the Latin Diocese of Ahmedabad in terms of the Instructions dated 28.01.2016 issued by the Sacred Congregation and Papal Decree dated 09.10.2017 and as per the repeated promises made by the Bishop of Shamshabad. SMC4U states that the decree was mischievously issued with the sole intention to coerce or

induce the majority faithful to follow a particular way as desired by the Bishop of Shamshabad, and hence it violates the basic human rights of freedom of choice and principles of natural justice.

7. That, all these mass centers are presently administered by the priests appointed by the Latin Diocese of Ahmedabad in terms of CIC Can. 383§2: CCEO Can 193§2. Although these priests originally belong to Syro-Malabar Rite, they are pastors of Latin Church and are subject to the direct administrative control of Latin Bishop of Ahmedabad or Jesuit Provincial of Gujarat. Bishop of Shamshabad cannot appoint them as Priests in-Charge or Parish Priests of such Mass Centers. This would be a direct contravention of CCEO Can.194 which states: "*The eparchial bishop can confer dignities upon clerics subject to them, others excluded, according to the norm of the particular law of their own Church sui iuris.*" Since these priests are not subject to Shamshabad Bishop and are specifically excluded from his power, he cannot confer dignities upon them as Priests in-Charge or Parish Priest and therefore, the decree is *ultra vires* hence requires to be quashed and set aside.

8. That as per the Papal Decree dated 09.10.2017 and as rightly mentioned by the Bishop in his Decree, Latin Church is encouraged to provide the church buildings, infrastructure and structural facilities to the Syro-Malabar faithful for practicing their faith and tradition. This would in no way include assigning the subject and subordination of priests from Latin Bishop to the Syro-Malabar Bishop. Therefore, these priests have to either remain appointees of Latin Bishop of Ahmedabad as earlier (to provide pastoral care to the SM faithful of his diocese) or they are required to be replaced by the Priests in-Charge or Parish Priests who are subjects of Syro-Malabar Bishop as his appointees. It is a settled principle of law that any order issued without the sanction of authority is *ipso facto* null and void.

9. That the obligations of Eparchial Bishop is specified in CCEO 201§1 which provides that: "*Since he is obliged to safeguard the unity of the entire Church, the eparchial bishop is to promote the common discipline of the Church as well as to urge the observance of all ecclesiastical laws and legitimate customs. §2. The eparchial bishop is to be vigilant lest abuses creep into ecclesiastical discipline,...*" It is submitted that by appointing clerics of Latin Diocese of Ahmedabad, who are not his subjects, as dignities of Syro-Malabar Diocese, Bishop of Shamshabad traversed beyond his jurisdiction *ultra vires* and violated the principles of ecclesiastical discipline. This is injurious to the majority faithful of Ahmedabad Syro-Malabar Community who have exercised their right to remain with the Latin Diocese of Ahmedabad in terms with the COC Instruction dated 28.01.2016 and Papal Decree dated 09.10.2017. Because, they are the same pastors who have to provide pastoral care for such majority faithful in terms of CIC Can. 383§2 read with Can.518 as referred supra.

10. That, without prejudice to the above factual and legal aspects, it is further submitted that the Decree has not been signed either by the Bishop of Shamshabad or by the Protosyncellus in whose names it has been

pronounced. A Decree erecting Parishes and appointing Parish Priests or Priests In-charge is of paramount importance in the eyes of both canon as well as the civil law. Being a legislative document, it would be liable for legal and judicial scrutiny in the event of any future civil or criminal disputes, hence the same should not have been issued unsigned. As per CIC Can. 474, for validity, acts of the curia which are to have juridic effect must be signed by the ordinary from whom they emanate; they must also be signed by the chancellor of the curia or a notary. The acts proclaimed by the Bishop of Shamshabad in the subject decree as part of his legislative acts are subject to legal scrutiny. It is therefore necessary that such legal documents should, not only be truthful in letter and spirit but should also be portrayed to the society to be truthful.

11. That, the decree affirms that the same was issued from Eparchial Curia (situated at Telangana) on 21.04.2018. SMC4U states and submits that both the Bishop of Shamshabad and Fr. Protosyncellus had arrived at Ahmedabad on 20.04.2018 and remained here till 25.04.2018, except for their visit to Nagpur for a day on 23.04.2018. Therefore, there is no question of them issuing the decree from Eparchial Curia on 21.04.2018. Further, since the document pertained to Gujarat and since both the authorities whose names mentioned therein were physically present in Gujarat, there is no reason that the same would have been issued unsigned. Therefore, the very genuineness of the decree is seriously in doubt *in limine*. In order to verify the authenticity of such an important document, SMC4U has sent a communication to Bishop of Shamshabad and his Diocese through email on 11.05.2018. However, surprisingly and unlike other previous cases, the same has not been answered or acknowledged. Copy of the email is annexed as **Exhibit-'B'**.

12 That the Decree carries a direction that the same should be read in the Churches on 22.04.2018. However, it was not read in most of the parishes even till date and the faithful are not aware of the important structural changes ordered by Your Lordship. It is stated that the same was deliberately not read in the major parishes, with the mischevous intent of keeping the gullible laity in the dark so that they naturally fall prey into the particular way drawn by the Bishop of Shamshabad.

13. That as per CCEO Can. 280§1, eparchial bishop is competent to erect, modify and suppress parishes only after consulting the presbyteral council. The decree does not indicate any discussion on decision of presbyteral council in this regard, which includes illegal appointment of Latin Priests of Ahmedabad Latin Diocese as Syro-Malabar Priests of Shamshabad Syro-Malabar Diocese.

PRAYER

14 In the light of the above facts and circumstances, SMC4U humbly prays before Your Eminence:

- (A) To consider this application in the spirit of CCEO Can.998 and pass an order for declaring the aforesaid Decree dated 21.04.2018 *ab initio* null and void and *ultra vires* so that its illegal operation is immediately invalidated and incapacitated;
- (B) To direct the Eparchial Bishop of Shamshabad for withdrawal of the subject decree with voluntary emendation of the decree or through just compensation or by some other suitable means so that such a legislative act is carried out with proper application of mind and legal scrutiny and in the interest of inter-ecclesiastical discipline by upholding the sanctity and dignity of each Church *sui juris*; and
- (C) To direct the Eparchial Bishop of Shamshabad to desist from activities that are directly or indirectly intimidating, inducing and coercing the gullible faithful to follow any particular line of thoughts.

Expecting your promptitude and solicitude on the above issues, we remain

Signed at Ahmedabad on this Twenty-Second day of May, Two Thousand Eighteen.

For SYRO MALABAR CATHOLICS FOR UNITY (GUJARAT)

GIGI PHILIPS
(Member-Steering Committee)

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George Alencherry

to me

24 May [View details](#)

Dear Gigi Philip,

I have received your e-mail with your petition attached.

Thank you very much.

This matter will surely be discussed in the August Bishop's Synod of our Syro-Malabar Church.

Kindly wait till that time.

With best regards,

Yours cordially in Christ,

+ George Cardinal Alencherry
Major Archbishop of the Syro-Malabar Church
Major Archiepiscopal Curia
Mount St. Thomas, P.B. No. 3110
P.O. Kakkanad 682 030 Kochi

Tel: [+91-484-2424780](tel:+91-484-2424780), [2424768](tel:+91-484-2424768)
(Chancery)

Fax: [+91-484-2422727](tel:+91-484-2422727)

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