

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)

WRIT PETITION (C) NO.133 OF 2020

NZIO EZUNG
R/O GB HOUSE NO.118,
W/9-CC, CHURCH COLONY,
WOKHA, NAGALAND

----- **Petitioner .**

VERSUS

1. THE GENERAL SECRETARY,
THE ASSEMBLIES OF GOD OF EAST INDIA(AGEI),
BANK COLONY, DIMAPUR, NAGALAND.
2. REV. MOSES MURRY
GENERAL SUPERINTENDENT
THE ASSEMBLIES OF GOD OF EAST INDIA(AGEI)
P.O. BOX NO.166 DIMAPUR NAGALAND.

----- **Respondents.**

For the petitioners :: Mr. C.T. Jamir, Sr. Advocate
Mr. Wati Jamir, Advocate.

For the respondents :: Mr. A Zhimomi, Advocate
Mr. Imti Longiem, Esther, Lhousino Advocates.

WRIT PETITION (C) NO.51 OF 2020

1. ASSEMBLIES OF GOD OF EAST INDIA
REPRESENTED BY ITS GENERAL SUPERINTENDENT
REV. MOSES MURRY BETHESDA HR. SEC. SCHOOL WALFORD COLONY
DIMAPUR NAGALAND.
2. MHAO JAMI PASTOR R/O CHUKITONG TOWN 2/5
DISTRICT - WOKHA NAGALAND 3: R. NRIBEMO KIKON
R/O CHUKITONG WOKHA TOWN DIST - WOKHA NAGALAND.
4. LOMONGO KIKON R/O CHUKITONG TOWN
DISTRICT - WOKHA NAGALAND.

----- **Petitioners.**

VERSUS

1. THE STATE OF NAGALAND.
REPRESENTED BY THE COMMISSIONER GOVT. OF NAGALAND
KOHIMA NAGALAND.
2. THE DEPUTY COMMISSIONER,
DISTRICT - WOKHA NAGALAND.

3. SHRI. EZANBEMO NGULLIE
R/O CHUKITONG TOWN WOKHA NAGALAND.

----- Respondents.

For the petitioners :: Mr. A Zhimomi, Advocate
Mr. Imti Longjem,
Esther, Lhousino Advocates

For the respondents :: Mr. C.T. Jamir, Sr. Advocate
Mr. Wati Jamir

WRIT PETITION (C) NO.215 OF 2020

1. THE ASSEMBLIES OF GOD OF EAST INDIA(AGEI)
BANK COLONY DIMAPUR - 797112 NAGALAND
REPRESENTED BY ITS GENERAL SECRETARY R. SANGA KEIVOM.
2. REV. MOSES MURRY GENERAL SUPERINTENDENT R/O P.O BOX – 116.
DIMAPUR NAGALAND.
3. REV. M.S.NONGREM ASST. GEN. SUPERINTENDENT
C/O IMMANUAL A.G. CHURCH NONDEIN NEW NONGSTOIN MEGHALAYA.
4. REV. R. SANGA KEIVOM GENERAL SECRETARY C/O MANJA A.G. CHURCH
D.M ROAD KARBI ANGLONG ASSAM.
5. REV. DR. L.H.JACKY SIMTE GENERAL TREASURER
RESIDING NEAR YOUNG LEARNERS SCHOOL RANKAI ROAD
CHURCHANDPUR MANIPUR.
6. REV. DILIP DEBBARMA MEMBER R/O KATATUTMA
A.G. CHURCH P.O. KATALUBUA P.S. SALEMA KEMALPUR
DHALAI TRIPURA.
7. REV. SANGBOI KHANGSAI MEMBER R/O HONJANG A.G CHURCH
B.P.O TOLLEN P.O. CHURACHANDPUR MANIPUR.
8. REV. ZAMSLANLDA MEMBER R/O JEHOVA SHALON
A.G 4/5 CHURCH H/NO.YD-06 CHALTLANG AIZAWAL MIZORAM.
9. REV. VISHE SEMY ACTING SUPERINTENDENT
NAGALAND DISTRICT COUNCIL C/O GRACE A.G.CHURCH
DIPHUPAR 'B' DIMAPUR NAGALAND

----- Petitioners.

VERSUS

1. NZIO EZUNG R/O GB HOUSE NO. 118
W/O-C-C CHURCH COLONY WOKHA NAGALAND.

----- Respondents.

For the petitioners :: Mr. A Zhimomi, Advocate
Mr. Imti Longjem,
Esther, Lhousino

For the respondents :: Mr. C.T. Jamir, Sr. Advocate
Mr. Wati Jamir

WRIT PETITION (C) NO.159 OF 2020

1. NZIO EZUNG
R/O GB H/NO. 118 W/9-CC CHURCH COLONY,
WOKHA NAGALAND

----- **Petitioner.**

VERSUS

1. THE GENERAL SECRETARY
THE ASSEMBLIES OF GOD OF EAST INDIA(AGEI)
BANK COLONY DIMAPUR NAGALAND.
2. REV. MOSES MURRY GENERAL SUPERINTENDENT
THE ASSEMBLIES OF GOD OF EAST INDIA(AGEI) P.O. BOX NO.116
DIMAPUR NAGALAND.
3. ZUMCHIO KIKON JOINT SECRETARY ASSEMBLY OF GOD(AG) CHURCH
WOKHA TOWN NAGALAND.
4. CHURCH BOARD OF AG CHURCH WOKHA TOWN
C/O ZUMCHIO KIKON JOINT SECRETARY ASSEMBLY OF GOD(AG) CHURCH
WOKHA TOWN NAGALAND.

----- **Respondents.**

For the petitioners :: Mr. C.T. Jamir, Sr. Advocate
Mr. Wati Jamir Advocate.

For the respondents :: Mr. A Zhimomi, Advocate
Mr. Imti Longjem, Esther, Lhousino, Advocates

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BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

Date of hearing :: **20.09.2022**

Date of judgment :: **22.12.2023**

JUDGMENT AND ORDER

All the four writ petitions being interconnected are being disposed of by this common judgment and order.

2. The petitioner in WP(C) No.133/2020 and WP(C) No.159/2020 is a Member of the Assemblies of God of East India (AGEI, in short), which is a Society registered under the Societies Act, Nagaland with its headquarter at Dimapur, Nagaland. The petitioner was ordained as a Reverend on 25.01.1995 and served at Assembly of God (AG) Church, Wokha. During a foundation laying ceremony at AG Church, N. Longidang, Wokha district on 14.02.2017, the petitioner buried a copy of the Holy Bible as a symbolic foundation of the Church building which according to the petitioner is a prevalent practice and also in terms of the Minister's Manual of the Assemblies of God of India. On coming to know about the burying of a copy of the Holy Bible during the foundation laying ceremony on 14.02.2017, the respondent No.1 in WP(C) No.133/2020 and 159/2020 issued a communication dated 11.05.2017 informing the petitioner that his credentials have been suspended due to his unscriptural practice and the Bye-Laws of AGEI Article 10 Section 2 Para A. The communication further stipulates that the suspension will be for a period of one year with effect from 11.05.2017 and after expiry of one year if the petitioner apologizes, his credentials will be reinstated. The

petitioner, thereafter, submitted a representation on 19.05.2017 to the General Superintendent, AGEI, Dimapur, Nagaland justifying his act of burying the copy of the Holy Bible at the time of laying the foundation stone and also alleging violation of the principles of natural justice. Thereafter, the petitioner filed a Civil Suit which was registered as Civil Suit No.3/2017 before the Court of Civil Judge (Junior Division), Wokha challenging the communication dated 11.05.2017. During pendency of the said Civil Suit, the respondent No.1 again issued another letter dated 25.09.2018 excommunicating the petitioner from the primary membership of the Assemblies of God with effect from 25.09.2018 for defying the Constitution and Bye-Laws of the AGEI.

During pendency of the said Civil Suit, the petitioner on being advised decided to withdraw Civil Suit No.3/2017 on 16.09.2020 in order to approach this Court by way of a writ petition under Article 226 of the Constitution of India.

3. In the meantime, the respondent, namely, AGEI, filed IA No.1/2018 in the pending Civil Suit No.3/2017 praying for an appropriate direction to restrain the petitioner from acting as a Reverend or Pastor in the Assembly of God Church, Wokha Town. The said IA was disposed of on 15.02.2019 allowing the petitioner to participate in the affairs of the Church. Being aggrieved with the order dated 15.02.2019, the AGEI

preferred WP(C) No.58K/2019 before this Court which was disposed of by judgment and order dated 27.05.2020 by quashing the order dated 15.02.2019 and remanding the matter back to the learned trial Court to hear the matter afresh and decide according to law. In the meantime, the petitioner filed an application for withdrawal of Civil Suit No.3/2017 and by an order dated 16.09.2020, the learned trial Court came to the conclusion that the Suit has become infructuous and accordingly Civil Suit No.3/2017 was dismissed on withdrawal with liberty to file a fresh Suit.

In the meantime, the Deputy Commissioner, Wokha issued an order dated 22.11.2018. In order to maintain law and order situation in the area, the Church door and Church office of AG Church, Chukitong was locked till the matter is settled amicably by the Church Members of Chukitong or by Court of law. The representatives of AGEI, thereafter, made a representation dated 26.11.2018 to the Deputy Commissioner, Wokha, Nagaland requesting for unlocking of AGEI Church, Chukitong. However, as there was no response to the representation, the AGEI filed a Writ Petition, which was registered as WP(C) No.239/2019 and on 13.12.2019, this Court passed an interim order staying the order dated 22.11.2018. Thereafter, WP(C) No.239/2019 was disposed of by order dated 10.12.2020 by which the interim order dated 13.12.2019 was made absolute.

By another order dated 01.02.2021, the Deputy Commissioner, Wokha, Nagaland with a view to maintain law and order and peaceful atmosphere, permitted both the groups of the AGEI for making arrangements for normal worship. In the meantime, the petitioner was served with an eviction notice issued by the Joint Secretary, AG Church, Wokha dated 18.09.2020 by which the petitioner was directed to vacate the Pastor's residence of AG Church, Wokha on or before 31.10.2020.

4. WP(C) No.133/2020 has been filed by the petitioner challenging the communication dated 11.05.2017 suspending the petitioner's credentials and the communication dated 25.09.2018 by which the petitioner was excommunicated from the primary membership of the Assemblies of God.

5. WP(C) No.159/2020 has been filed by the petitioner challenging the resolution dated 18.09.2020 as well as the eviction notice dated 18.09.2020.

6. WP(C) No.215/2020 has been filed by the AGEI challenging the order dated 16.09.2020 passed by the learned trial Court in Civil Misc. Case No.1/2020 arising out of Civil Suit No.3/2017 by which Civil Suit No.3/2017 was dismissed as withdrawn with liberty to file afresh.

7. WP(C) No.51/2020 is filed by the AGEI challenging the order dated 01.02.2020 issued by the Deputy Commissioner, Wokha, Nagaland by

which the respective parties of the AGEI were allowed to offer normal worship at different timings.

8. Heard Mr. C.T. Jamir, learned Senior counsel, assisted by Mr. I. Imchen, learned counsel for the petitioner in WP(C) No.133/2020 and 159/2020 as well as Mr. A. Zhimomi, learned counsel for the respondents and for the writ petitioners in WP(C) No.215/2020 and 51/2020. Also heard Mr. Moa Imchen, learned Senior Government Advocate appearing for the State respondents in WP(C) No.51/2020.

9. Mr. C.T. Jamir, learned Senior counsel for the petitioners in WP(C) No.133/2020 and 159/2020 while assailing the impugned communication dated 11.05.2017 by which the credentials of the petitioner were suspended and also the communication dated 25.09.2018 by which the petitioner was excommunicated from the primary membership of the Assemblies of God, submits that no opportunity of hearing was granted to the petitioner thereby violating the principles of natural justice. Further, Article 11 of the Constitution and the Bye-Laws of the General Council of the AGEI makes it clear that the AGEI is affiliated to the AGI and as such Section XXI Paragraph C of the AGEI Constitution and Bye-Laws of the Society which is applicable to the AGEI prescribes that a fair hearing should be given to the person against whom a charge is brought to present his case. The suspension of the petitioner's credentials as a

Reverend and his excommunication from the membership of the AGEI has caused the petitioner immense humiliation and damage to his image and reputation in the eyes of the congregation members as well as the society. It is submitted that burying a copy of the Bible during laying of foundation stone of the AGEI was in accordance with law of Minister's Manual Vol.III which Manual has been published by Gospel Publishing House, Spring Field, Missouri, i.e., a Pentecostal Publication owned and operated by General Councils of the Assemblies of God and which Manual is applicable to the AGEI. Therefore, the petitioner while burying the Holy Bible in the foundation laying ceremony had committed no offence and without giving an opportunity of fair hearing, the action of the AGEI in suspending the credentials of the petitioner and excommunicating him from the primary membership is arbitrary. He also submits that burying the Holy Bible is a prevalent practice by the Church leaders and which action has not only been endorsed by the Church leaders of AGEI, Longidang and also by the respondent No.2 and the petitioner enjoys the mandates of the majority voice of congregation of the AG Church, Wokha as well as Longidang. The learned Senior counsel also submits that as the petitioner was aggrieved with suspension of his credentials by the impugned communication dated 11.05.2017, he filed the Civil Suit No.3/2017 challenging the same. However, during pendency of the Civil



Suit, the respondents proceeded to issue the impugned communication dated 25.09.2018 excommunicating him from the primary membership of the Assemblies of God. Further, the impugned action of the respondents by issuing the eviction notice dated 18.09.2020 demonstrates *mala fide* intention of the respondents. He submits that the eviction notice dated 18.09.2020 was received by the petitioner on 26.10.2020. Accordingly, the petitioner made his representation against the eviction notice on 27.10.2020 stating that suspension of the credentials of the petitioner by communication dated 11.05.2017 and the communication dated 25.09.2020 excommunicating the petitioner has been suspended by this Court by order dated 22.09.2020 passed in WP(C) No.133/2020.

Learned Senior counsel further submits that the respondents despite the interim order passed by this Court are deliberately trying to victimize the petitioner by way of the said eviction notice dated 18.09.2020 which was furnished to the petitioner only on 26.10.2020.

 In that view of the matter, learned Senior counsel submits that the impugned communication dated 11.05.2017 by which the credentials of the petitioner were suspended and the impugned communication dated 25.09.2018 by which the petitioner was excommunicated from the primary membership of the Assemblies of God and the eviction notice

dated 18.09.2020 should be set aside and quashed and the petitioner be permitted to function as a Reverend without any hindrance.

10. Mr. Zhimomi, learned counsel for respondent Nos.1 and 2 in WP(C) No.133/2020 and 159/2020 while questioning the maintainability of the writ petition submits that the petitioner had filed Civil Suit No.3/2017 challenging the communication dated 11.05.2017 suspending his credentials as ordained Minister. The petitioner's credentials were suspended for a period of one year on account of his unscriptural practice in burying the Holy Bible. During filing of Civil Suit No.3/2017, the petitioner obtained an *ad interim* order on 03.08.2017. However, the said *ad interim* order was vacated on objections being filed by the respondents by an order dated 06.09.2017. Against the order dated 06.09.2017, the petitioner filed an Appeal in the Court of learned District and Sessions Judge, Wokha which was however rejected by order dated 23.02.2018. Against the order dated 23.02.2018, the petitioner filed WP(C) No.58(K)/2018 which was disposed of by order dated 14.09.2018 wherein this Court held that it is the mother Church which is to decide who is fit to be a Reverend or not. Thereafter, the petitioner continued with his defiance of the AGEI. Therefore, the AGEI at its meeting held on 25.09.2018 decided to excommunicate the petitioner which was communicated to him on 25.09.2018.

11. In spite of his excommunication, the petitioner continued his disruptive activities in the AG Church, Wokha Town and, therefore, the respondents filed the Civil Misc. Case No. 01/2018 in the Court of the Civil Judge (junior) Division, Wokha, praying for appropriate action against the petitioner. By order dated 14-12-2018, passed in the said Civil Misc. Case No. 01/2018, the petitioner was restrained to act as Reverend and ministering the AG Church, Wokha Town. The petitioner was further restrained from entering into the AG Church, Wokha Town. However, by order dated 15-02-2019, passed in Civil Misc. Case No. 01/2018, the petitioner was effectively allowed to participate in the affairs of the Church. Therefore, the respondents filed the writ petition, which was numbered as WP(C) No. 58(K)/2019, challenging the order dated 15-02-2019, passed in the Civil Misc. Case No. 01/2018. The said writ petition was disposed of by order dated 27-05-2020, setting aside and quashing of the order dated 15-02-2019 and remanding the application filed by the respondents to the trial Court. Thereafter, the petitioner filed an application under Order XXIII Rule 1(3) of the CPC, read with Section 151 of the CPC for withdrawal of the Civil Suit No. 03/2017. The respondents filed their objections. However, by order dated 16-09-2020, the petitioner was allowed to withdraw the Civil Suit No. 3/2019 with liberty to file afresh.

12. The learned counsel for the respondents submits that in the programme held on 08-05-2016, the action of the petitioner resulted in the division of the AG Church, Chukitong and therefore the action of the respondents in suspending the credentials of the petitioner and excommunicating him is not *malafide* and discriminatory. The learned counsel for the respondents also submits that the letters dated 11-05-2017 and 25-09-2018 do not suffer from any constitutional or legal infirmity and the instant petition filed by the petitioner is an attempt to persuade this court to interfere in matters of faith, more particularly, the doctrines, which are not the subject for this Court to adjudicate upon and accordingly, the writ petition being misconceived is liable to be dismissed.

13. This court has considered the 'Minister's Manual', relied upon by the petitioner to be applicable to AGEI, which is annexed to the writ petition as Annexure-1. This Court has also considered the Manual of the AGEI as well as the relevant portion of the same relating to the Cornerstone Laying, which has been relied upon by the respondents and annexed to the counter affidavit as Annexure-K. However, considering the issue involved in the present writ petition, this Court is not entering into the controversy as to which Manual is applicable to the AGEI.

14. The minutes of the meeting of the Executive Committee of the AGEI, held on 10-05-2017 has been considered by this Court. A perusal

of the same indicates that in the said meeting, the petitioner was not given an opportunity of hearing. Further, a perusal of the communication dated 11-05-2017 by which the credential of the petitioner was suspended, and the communication dated 25-09-2018 by which the petitioner was excommunicated from the membership of the Assemblies of God also indicates that both the communications dated 11-05-2017 and 25-09-2018 were issued without giving any opportunity of hearing to the petitioner.

15. The dispute between the parties has caused wide ramification amongst the believers of AG Church, Wokha Town. The communication dated 11-05-2017 by which the credential of the petitioner was suspended, and the communication dated 25-09-2018 by which the petitioner was excommunicated from the membership of the Assembly of God, clearly demonstrate that the petitioner was never given any opportunity of being heard. The aforesaid two communications were issued behind the back of the petitioner by violating the principle of natural justice and, therefore, this Court is of the considered opinion that an opportunity of hearing should be granted to the petitioner before the AGEI takes any step against the petitioner.

16. Accordingly, the communication dated 11-05-2017, by which the credential of the petitioner was suspended, and the communication dated

25-09-2018, by which the petitioner was excommunicated are hereby set aside and quashed. However, the respondents are given the liberty to proceed against the petitioner, if so advised, after giving opportunity of hearing to the petitioner. Till such time, the directions issued by the Deputy Commissioner, Wokha Town, allowing different worship slot to the parties by order dated 01-02-2020 shall continue.

17. It is also made clear that if any notice is issued by the respondents to the petitioner for hearing, the petitioner shall cooperate and appear before AGEI as and when called upon to do so. Till a final conclusion is made after hearing the petitioner, the eviction notice dated 18-09-2020 shall also remain suspended.

18. This Court hope and trust that both the disputing parties would resolve the dispute in Christian spirit of forgive and forget keeping in mind the wide ramification caused on the believers and followers of the AG Church, Wokha Town.

19. With the aforesaid directions the writ petition stands disposed of.


JUDGE

Dutt/paul