

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
CIVIL REVISION PETITION No.4209 of 2016

ORDER:

This revision petition is filed against the order dated 22.08.2016 passed in I.A.No.1480 of 2016 in S.O.P.No.875 of 2016 on the file of IV Additional District Judge, Guntur.

2. It is stated in the instant petition that first respondent-Church i.e., Andhra Evangelical Lutheran Church was established by the American Missionaries living in India for about more than 175 years. It is represented by its compound, 6th line Brodipet, Guntur. The Evangelical Church in America acquired lands and buildings and other immovable properties in and out of the State of Andhra Pradesh to carry on their missionary work which includes propagation of Gospel of Christ and to carry on other medical, educational and charitable activities.

It is further stated that the first respondent Church is divided into six administrative units called as synods namely East Guntur Synod, West Guntur Synod, Central Guntur Synod, East Godavari Synod, West Godavari Synod, Visakha Synod. Each Synod is headed by a President, who is elected by the delegates of an Executive Council at Synod Convention for a term of five years. The convention also elects the other Synodical Officers and its quota of Executive Council members and delegates of AELC Convention, AELC delegates from all the Synods will in turn elect the AELC office Bearers. The obligation of the first respondent church is to fulfil the provisions of Society Registration Act and its own constitution and by-laws. The President of the Church shall be selected for 4 years by the delegates of the AELC convention representing all 6 Synods, from among the eligible candidates for

Presidentship by preferential voting system. It is stated that Treasurer of the Church shall be assigned by the Executive Council.

The petitioner hails from a traditional Christian family of more than 5 generations. One by name Govathoti Paul Prabhakar Rao who sought the post of Treasurer is a retired Government employee of AP Forest Department. Sri B.C.Raja Ratnam who has discharged his duties as Treasurer of AELC and his term was expired by 9.11.2015. On 10.11.2015 the Executive Council of AELC held a meeting at St.Mark's Lutheran Church, Chirala. As per the decision taken in the meeting vide LCM: 478 held from 19.4.2016 to 20.04.2016, as it was decided that the term of Moderator Bishop, AELC to act as Treasurer-in-charge, AELC from 10.11.2015 to 31.3.2016 expired, it was voted to authorize the Moderator Bishop, to continue as treasurer in-charge with retrospective effect i.e., from 01.4.2016 until further orders of the Executive Council.

It is pertinent to mention here that in the letter dated 09.08.2016 issued by Moderator Bishop, it is noted that next alternate to be considered as Treasurer of the Church is Mr Karlapudy Babu Prakasam, who is the petitioner herein be assigned as Treasurer, AELC with immediate effect for a period of two years beginning from 09.08.2016 to 08.08.2018. It is further directed that Moderator Bishop, who is acting as in-charge treasurer of the Church to handover charge of Treasurership to the petitioner immediately. However, despite the directions noted above, charge is not yet handedover to the petitioner.

Thereafter, the petitioner filed I.A.No.1479 of 2016 to grant temporary injunction restraining the respondents from functioning

as In-charge Treasurer of AEL Church, Guntur and the same was allowed vide order dated 22.08.2016 by the Court below.

The petitioner filed another IA No.1480 of 2016 to direct the respondents to handover the charge of Treasurership of AEL Church, Guntur to the petitioner as per resolution of Executive Council as stipulated under the constitution. However the said application has not been decided by the trial Court and the matter is listed on 09.09.2016 after issuing notice to the opposite parties.

In view of the above facts recorded, I find no discrepancy in the order passed by the trial Court. However, keeping in view the Churches, Colleges, Schools, Hospitals, Orphanages and Blind Schools would come to a standstill, and total financial administration would be paralyzed if there is no treasurer, and the church is in four States and also in Andaman Nikobar Iceland, keeping in view the urgency noted above, the trial court is directed to decide IA No.1480 of 2016 on the next date of hearing fixed for the said purpose i.e., on 9.9.2016.

With the above direction, the Civil Revision Petition is disposed of. No costs. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SURESH KUMAR KAIT.

Date :29-08-2016
Note: CC tomorrow.
B/o
Gvl

