



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.05.2017

CORAM :

THE HON'BLE MR.JUSTICE T.RAJA

W.P(MD) No.8852 of 2017

and

W.M.P.(MD) Nos.6787 to 6789 of 2017

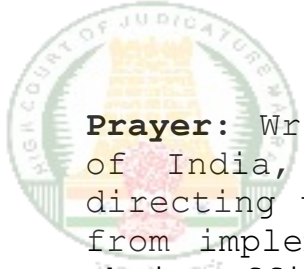
R.Isaac Robi

... Petitioner

Vs.

1. The Secretary to Government,
Higher Education,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
2. The Secretary to Government,
School Education,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
3. The Director of Collegiate Education,
College Road, Chennai-600 006.
4. The Director of School Education,
College Road, Chennai-600 006.
5. The Joint Director of Collegiate Education,
Tirunelveli Region,
Gandhi Nagar, Tirunelveli.
6. The Moderator,
CSI Synod
No.5, Whites Road,
Royapettai, Chennai-600 014.
7. Rt.G.Devakadatcham
8. The Administrative Committee,
CSI Kanyakumari Diocese,
Nagercoil, Rep. by Administrative Secretary,
Dr.A.J.Bensam.
9. The Superintendent of Police,
Kanyakumari District at
Nagercoil.

.... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 5 not to allow 8th respondent herein from implementing notice dated Nil published by 8th respondent in their official magazine "Desopakari" in May, 2017 cancelling the proposed election for the office bearers to the CSI Kanyakumari Diocese scheduled on 25, 26 & 27.5.2017 and consequently appoint a Honourable Former Judge of this Hon'ble Court as Election Officer to conduct an election for the office bearers to the CSI Kanyakumari Diocese as per the Constitution & Rules of CSI Kanyakumari Diocese for the term commencing from the date of assumption of office of office bearers with suitable directions to the 9th respondent for sufficient police protection.

For Petitioner : Mr.Veera Kathiravan, Senior Counsel
For M/s.Veera Associates

For R1 to R5 & R9 : Mr.C.Selvaraj
Spl. Govt. Pleader

O R D E R

This Writ Petition has been filed by the petitioner, seeking a peculiar prayer, directing the respondents 1 to 5 not to allow the 8th respondent herein from implementing notice dated Nil published by 8th respondent in their official magazine "Desopakari" in May, 2017, cancelling the proposed election for the office bearers to the CSI Kanyakumari Diocese scheduled on 25, 26 & 27.5.2017 and consequently appoint a Honourable Former Judge of this Hon'ble Court as Election Officer to conduct an election for the office bearers to the CSI Kanyakumari Diocese as per the Constitution & Rules of CSI Kanyakumari Diocese for the term commencing from the date of assumption of office of office bearers with suitable directions to the 9th respondent for sufficient police protection.

2. Learned Senior Counsel for the petitioner submitted that although the term of erstwhile Office bearers of Kanyakumari Diocese already expired on 31.05.2015, the respondents 7 and 8 are not at all interested in conducting the election to the Diocese. Learned Senior Counsel further submitted that subsequently, notices were issued in March, 2017 and April, 2017 in the monthly magazine "Desopakari" that election is proposed to be conducted on 25th to 27th of this month, but to the shock and surprise, it has been published in the May edition of the magazine that the proposed elections scheduled on the above dates are cancelled. Aggrieved by the same, the petitioner is before this Court with the above prayer.

3. Heard the learned Senior Counsel for the petitioner, the learned Special Government Pleader appearing for R1 to R5 and also



perused the materials available on record.

4. In this petition, the petitioner seeks a direction to the 8th respondent, which is a private party, indirectly through the respondents 1 to 5. It is a settled law that no writ will lie against a private respondent, unless if it is established that the private respondent colluded with the public authority and no such case arose in this writ petition. Hence, this petition is devoid of merits and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Vacation Officer)

/TRUE COPY/

Sub Assistant Registrar

ar/srm

To:

1. The Secretary to Government,
Higher Education,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
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School Education,
Government of Tamil Nadu,
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4. The Director of School Education,
College Road, Chennai-600 006.
5. The Joint Director of Collegiate Education,
Tirunelveli Region,
Gandhi Nagar, Tirunelveli.
6. The Superintendent of Police,
Kanyakumari District at Nagercoil.

+1 cc to M/S VEERA ASSOCIATES, , ADVOCATE, SR NO: 56237

+1 CC to M/S.SPL.GOV.T.PLEADER, SR NO: 56481

JAM/12.05.17/MSA/SAR 4/3P-9C

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10.05.17