



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.09.2018

CORAM:
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition (MD)No.13107 of 2018
and
W.M.P (MD)Nos.11981 and 11982 of 2018

M.Mohanan ... Petitioner
Vs.

1. The Chief Educational Officer,
Nagercoil, Kanyakumari District.
2. The District Educational Officer,
Kuzhithurai, Kanyakumari District.
3. India Evangelical Lutheran Church,
Thiruvananthapuram Synad,
CLHSS Compound, Peroorkada-5, Trivandrum,
Thiruvananthapuram District.

4.T.Stephen ... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India for the issuance of writ of certiorarified mandamus, to call for the records on the file of the second respondent pertaining to its order bearing Na.Ka.No.1843/A4/2018, dated 01.06.2018 and to quash the same and consequently direct the respondents to permit the petitioner to continue as the Correspondent of Concordia Lutheran High School, Kalparapottai till the end of his tenure that is 01.09.2019.

For Petitioner	: Mr.S.C.Herold Singh
For R1 & R2	: Mrs.S.Srimathy, Special Government Pleader
For R4	: Mr.E.V.N.Siva
For R3	: No appearance

O R D E R

This writ petition has been filed to quash the order in Na.Ka.No.1843/A4/2018, dated 01.06.2018 on the file of the second respondent.

2.When the matter is taken up for hearing, the learned counsel for the fourth respondent has brought to the attention of this Court to the order passed by the learned Judge of this Court in TR.C.S.No.741 of 2017, dated 31.07.2018. The learned Judge has appointed the Interim Administrator to take charge and administer the third respondent Church. He has given a detailed order as to



the powers to be exercised by the Administrator in regard to the affairs of the third respondent church. The detailed order passed by the learned Judge is reproduced hereunder:-

"3. Accordingly, this Court appoints the Interim Administrator as follows:-

i. that the Honourable Mr. Justice D. Hariparandaman (Retired Judge, High Court, Madras), residing at No. 2, First Main Road, Kamaraj Nagar, Thiruvannamiyur, Chennai 600 041, Phone No. 044-24416340, be and is hereby appointed as Interim Administrator.

ii. that the Interim Administrator appointed herein shall take charge and administer the India Evangelical Lutheran Church (IELC) till the entire dispute between the parties are resolved and new elections are conducted as per byelaws of church.

iii. that the Judge Commissioner appointed herein shall be paid a sum of Rs. 1,00,000/- per month (Rupees One Laksh only per month) and the said sum shall be drawn from the funds of the Church.

iv. that the Judge Commissioner shall also be entitled for the car allowance on the basis of actually spent by him while discharging the duties as Administrator.

v. that the Interim Administrator appointed herein shall take the assistance of any lawyer of his choice for his administration purposes and for proper conducting of election and shall draw funds towards the expenditure for conducting election.

vi. that the Judge Commissioner appointed herein be and is hereby empowered to hire a personal secretary to assist him in his work and also be entitled working space, personal staff and communication facilities and also draw assistance from the existing staff of the Church as he shall deem fit necessary.

vii. that the existing office bearers shall not take any major decision touching upon the financial matter, payments and other aspects including any decision over immovable properties, appointments, etc.,

viii. that the existing office bearers and other officials of Church shall co-operate with the Interim Administrator for smooth administration of the Church."

3. In view of the order passed by the learned Judge of this Court in the aforesaid proceedings and the power has also been defined as to how the Administrator should govern and manage the affairs of the church, it is for the parties to approach the Administrator for getting any relief, if they so advised.

4. In view of the development as mentioned above, this Court cannot pass any orders in the writ petition and therefore,

the writ petition is closed. It is always open to the petitioner or any other interested parties to approach the Administrator appointed by this Court vide order dated 31.07.2018 in TR.C.S.No.741 of 2017 for redressing their grievance with regard to the running of the third respondent church. No costs. W.M.P(MD)Nos.11981 and 11982 of 2018 are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Chief Educational Officer,
Nagercoil, Kanyakumari District.
2. The District Educational Officer,
Kuzhithurai, Kanyakumari District.

Copy to

- 1.The Hon'ble Mr.Justice. D.Hariparanthaman(Rtd Judge)
Residing at No.2, First Main Road, Kamaraj Nagar,
Thiruvannamiyur, Chennai - 600 041
Phone No.044 -24416340
(Through Madurai Cell/Speed Post) **(2copies)**

- 2.The Registrar(Judicial)
Madurai Bench of Madras High Court,Madurai.

+1cc to Mr.E.V.N.Siva, Advocate Sr.No.87662
+1cc to Mr.S.C.Herold Singh, Advocate Sr.No.87593

RMI

VB/ES/SKN/RSK/SAR1/10.10.2018/3P/8C

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