

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.12500 of 2019
and
WMP.Nos.12766 & 12767 of 2019

Grace Lutheran Church-IELC
Rep. by its Secretary
V.John Moses

... Petitioner

Vs.

1.The Administrator - IELC
Justice Thiru.D.Hariparanthaman (Retd.)
No.47, Eldams Road,
Teynampet, Chennai-18.

2.Rev.V.Premkumar

3.Ambur Synod
Rep. by its President
Synod Office
Mission Compound
Ambur - 635 802,
Vellore District.

4.Gospel Work Committee
Rep. by its Chairman and Secretary
Synod Office
Mission Compound
Ambur - 635 802,
Vellore District.

5.Rev.LSD.Gladson Premkumar
Mission Compound
Ambur - 635 802,
Vellore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relevant to the proceedings No.Nil dated 16.04.2019 passed by the 1st respondent and quash the same as illegal, improper, unreasonable, arbitrary and against the

principles of natural justice and thereby, directing the respondents 3 & 4 to appoint any qualified 3rd person as a Pastor in the petitioner's Church and restraining the 2nd respondent, their men, agents, servants, from interfering with the peaceful function and worship in the Grace Lutheran Church IELC, Mission Compound, Old Colony, Thuthipet, Ambur, Vellore District, as a Pastor.

For Petitioner : Mr.L.Chandrakumar
for Mr.B.Gopalakrishnan

O R D E R

The petitioner seeks to challenge the order passed by the Administrator of the India Evangelical Lutheran Church dated 16.04.2019.

2. Heard Mr.L.Chandrakumar, learned counsel for the petitioner and perused the materials placed before this Court.

3. The petitioner is aggrieved against the order of the learned Administrator of the India Evangelical Lutheran Church, who is a retired Judge of this Court, appointed by this Court in C.S.No.741 of 2017, affirmed in OSA.No.380 of 2018.

4. Though the learned counsel for the petitioner sought to raise very many contentions on merits of the order passed by the learned Administrator, this Court is not inclined to go into those contentions and give its finding, as this Court is fully convinced that the present writ petition is not maintainable as against the order passed by the learned Administrator of the said Church, who was appointed by this Court in a civil proceedings as stated supra. If the petitioner is having any grievance against the action of the learned Administrator, it is for them to work out their remedy only in such of those civil proceedings by making proper application or by way of filing any separate civil proceedings against the said order, since this Court finds that the action of the learned Administrator will not fall under the definition of the State, as contemplated under Article 12 of the Constitution of India, warranting interference of this Court against the said order passed by the learned Administrator of the India Evangelical Lutheran Church.

5. Accordingly, this Writ Petition is dismissed as not maintainable, however, by granting liberty to the petitioner to work out their remedy in the manner known law before appropriate forum.

6. At this juncture, the learned counsel for the petitioner seeks permission of this Court to return the original impugned order. Hence, the Registry is directed to return the original impugned order to the petitioner forthwith. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mk

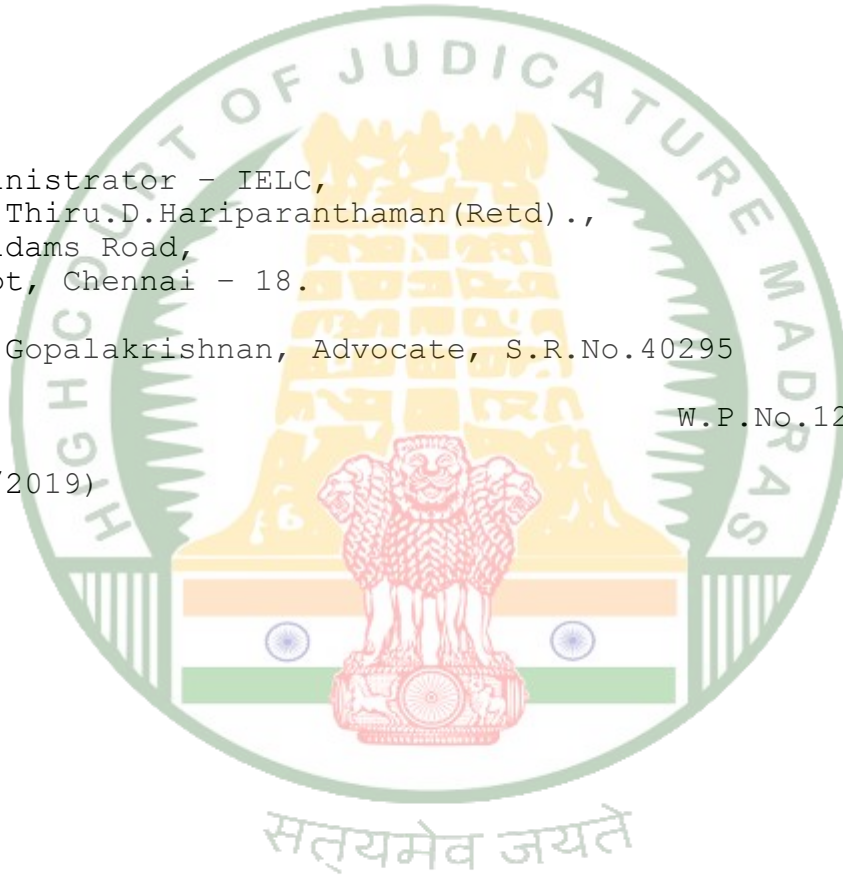
To

The Administrator - IELC,
Justice Thiru.D.Hariparanthaman(Retd).,
No.47 Eldams Road,
Teynamept, Chennai - 18.

+1cc to B.Gopalakrishnan, Advocate, S.R.No.40295

W.P.No.12500 of 2019

RRS (27/04/2019)



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