



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.13688 of 2020

and

W.M.P(MD)Nos.11375 & 11376 of 2020

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Dr.E.Pradeep Kumar

... Petitioner

Vs.

1.Tinnevely Diocese Trust Association,
Rep. by the Administrators,
Old No.18, New No.19,
North-High Court Road,
Palayamkottai,
Tirunelveli - 627 002.

2.The Moderator,
CSI Synod, CSI Center,
No.5, Whites Road,
Royapettah, Chennai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in M1/22/238/2020 dated 06.06.2020 and consequently direct the first respondent to approve the erstwhile elected Executive Members to remain as Directors until the next elected body assumes charge

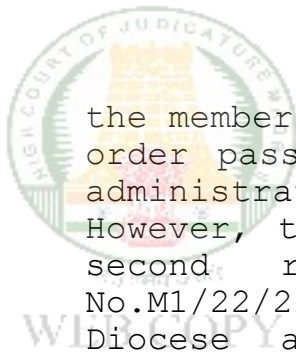
For petitioner : Mr.H.Arumugam
for Mr.N.Vignesh

For Respondents : Mr.Thangasivam -R1
Mr.Veera Kathiravan, Sr.Counsel - R2

ORDER

The petitioner has filed the present Writ Petition to quash the order passed by the second respondent vide communication bearing No.M1/22/238/2020 dated 06.06.2020 and consequently, direct the first respondent to approve the erstwhile elected Executive Members to remain as Directors until the next elected body assumes charge.

2. According to the petitioner, he is a beneficiary of TDTA and a member of the CSI Tirunelveli Diocese. He expressed his grievances through a letter dated 28.04.2020 to the first respondent stating that the learned Administrators appointed by this Court alone shall have power to conduct election and to curb any act of the CSI Synod and the administrative committee appointed by them will create confusion and time delay in conducting the election and



the members of the Committee, which ceased to exist by virtue of the order passed by this Court, will make a back door entry into the administration of the Diocese through the administrative committee. However, the said representation has not been considered. But, the second respondent vide letter dated 06.06.2020 bearing No.M1/22/238/2020 appointed a moderator's commissary for Tirunelveli Diocese and appointed Administrative Committee comprising of Administrative Secretary and Finance Administrator by his own will and volition without the prior sanction of this Court or the learned Administrators appointed by this Court. The petitioner made several representations to the first respondent, on 08.06.2020, 11.06.2020, 13.06.2020, 13.07.2020 and 13.08.2020 in this regard. However, none of the representations has been yielded any fruit. Hence, this writ petition.

3. According to the learned counsel, the order impugned herein violates the order and direction issued by this Court in WP(MD) No.21134 of 2017 dated 05.08.2019 and as such, it usurps the powers of the Administrators and paves way for parallel administration of the Diocese. The learned counsel further submitted that the Administrative Committee members, who are the back door entrants, are intended to contest in the upcoming elections and influencing the Congregation members as if they are appointed by the CSI Synod and trying to take advantage of the same, which is against the principles of natural justice and hence, the Administrative committee appointed by the second respondent vide the order impugned herein, is liable to be quashed and the existing Diocese Executive Committee members be allowed to continue to manage the affairs of the Diocese until the completion of election of new Diocesan committee under the guidance and supervision of the first respondent appointed by this Court.

4. On the other hand, the learned counsel for the first respondent has drawn the attention of this Court to the averments made in the Report Nos.2 to 4 submitted by the learned Administrators, wherein the queries raised by the petitioner in this writ petitioner, have been appropriately answered.

5. The relevant paragraphs of the Reports submitted by the learned Administrators are usefully extracted hereunder:

Report No.2 dated 17.06.2020

"14. It is submitted that the term of office of the Diocesan Council and the executive committee members having expired on 22.04.2020 and the election process could not be commenced and completed within three months after the expiry of the previous council, the Moderator requested for permission to appoint an Administrative Committee as per Rule 12-D of Chapter VIII of the CSI Constitution and we have granted permission to appoint an Administrative Committee as



per the CSI Constitution by specifically stating that they shall function under the supervision, control and guidance of the Administrators. In fact, they are permitted to assist the Administrators in the day today functioning of the Diocese and its institutions.

15.It is submitted that the Moderator of CSI in his order dated 06.06.2020 appointed an Administrative Committee consisting of 15 persons under the Chairmanship of the Moderator's Commissary subject to the guidance, supervision and control of the Administrators...."

Report No.3 dated 31.07.2020

"1.The Administrative Committee contrary to our guidance given, proposed the names of the previous correspondents/ secretaries/ managers for appointment in various institutions in their meeting held on 14.07.2020.

2.It is submitted that even though it was claimed that the person named for the respective posts were shortlisted unanimously, we have received serious objections from the members of the Administrative Committee through E-mail and telephone belonging to rival groups against the names proposed in spite of giving representation to persons belonging to both the groups. After going through the objections and the disobedience shown by the persons, who held the post earlier, we have not granted our approval for appointing them as correspondents / secretary / managers by our proceedings dated 16.07.2020 and ordered to continue the interim arrangement made by the Moderator's Commissary with the approval of the Moderator i.e. allowing Mr.Jeyachandran who is the manager of High, High Secondary, Training and Special School to continue as correspondent of the above category of schools who was given such interim correspondent of the above category of all the schools till 31.12.2020 or till the new office bearers assume office after elections or whichever is earlier."

Further, in the Report No.4 dated 01.09.2020, the learned Administrators, with respect to the averments made in paragraph 2 of the order dated 27.08.2020 passed by the Moderator, have explained the legal position and categorically stated that if everything is in order and if there is no complaint or difference of opinion on any issue which is taken unanimously, definitely they will not step in.

6.In the light of the averments so made in the Reports submitted by the learned Administrators and in view of the admitted fact that the learned Administrators already commenced the election



opinion that no further orders need to be passed in this writ petition. Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)

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Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

W.P (MD) No.13688 of 2020

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