



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-10-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2830 of 2016

Dr.B.Vijayan, B.V., Sc

... Petitioner

.Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai - 600 009.
2. The District Registrar (Societies),
Trichy - 620 001.
3. The Administrator General and Official
Trustee of Tamil Nadu,
Office of the AGOT,
City Civil Court Additional Buildings,
First Floor,
Chennai - 600 104.
4. The Tamil Evangelical Lutheran Church (TELC),
Represented by its Bishop,
Tranquebar House,
Trichy - 620 001.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 31.12.2015 for passing appropriate Government Orders to manage the TELC Society including its various Institutions till the issue of the Registration as Society is resolved and the Church Rules are appropriately framed by constituting the whole General Body of the said Society members under the supervision of the first respondent or the third respondent.



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For Petitioner : Mr.P.Babu Janardhan

For Respondents : Mr.C.Kathiravan
No.1 and 2 Government Advocate

For Respondent-3 : AGOT

For Respondent-4 : Mr.Mani Sundar Gopal

O R D E R

The relief sought for in the present writ petition is to direct the first respondent to consider the petitioner's representation dated 31.12.2015 for passing appropriate Government Orders to manage the TELC Society including its various Institutions till the issue of the Registration as Society is resolved and the Church Rules are appropriately framed by constituting the whole General Body of the said Society members under the supervision of the first respondent or the third respondent.

2. The nature of the relief sought for in the present writ petition cannot be considered, in view of the fact that such disputed issues between the Management and the petitioner cannot be adjudicated in the writ proceedings under Article 226 of the Constitution of India.

3. The petitioner seeks a direction to consider his representation for administering the Institutions falling under The Tamil Evangelical Lutheran Church (TELC). The Management disputes are to be resolved from the Competent Court of Law and only after crystallisation of the rights of the parties, the relief is to be granted in the manner known to law.

4. Contrarily, by merely directing the first respondent to consider the representation of the petitioner the right cannot be determined. The petitioner claims that the power of Management is to be conferred. Such power cannot be conferred by disposing of the representation, in the absence of any adjudication or determination of issues by the Competent Forum.

5. This being the scope of the relief, as such, sought for in the present writ petition, the petitioner is at liberty to



approach the Competent Court of Law for adjudication of the issues and for redressing his grievances.

6. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Secretary,
Government of Tamil Nadu,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai - 600 009.
2. The District Registrar (Societies),
Trichy - 620 001.
3. The Administrator General and Official
Trustee of Tamil Nadu,
Office of the AGOT,
City Civil Court Additional Buildings,
First Floor,
Chennai - 600 104.
4. The Bishop,
The Tamil Evangelical Lutheran Church (TELC),
Tranquebar House,
Trichy - 620 001.

+1cc to Mr.P.Babu Janardhan, Advocate, S.R.No.51935
+1cc to Mr.Mani Sundar Gopal, Advocate, S.R.No.52303
+1cc to the Government Pleader, S.R.No.52458

W.P.NO.2830 OF 2016

RR(CO)
PBS/29/10/2021