



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2021

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

WP (MD) No.1325 of 2021
and
WMP (MD) No.1103 of 2021

John Kennedy

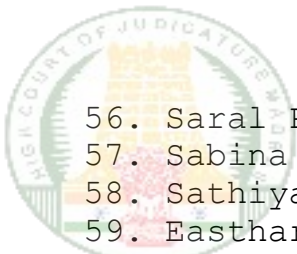
... Petitioner

Vs.

1. The CSI Tirunelveli Diocese,
Rep.by its Bishop,
CSI Tirunelveli Diocese,
No.5, Punithavathiar Street,
Palayamkotttai, Tirunelveli,
Tirunelveli District.
2. The Election Commission Tribunal No.II
The CSI Tirunelveli Diocese,
Tirunelveli.
3. N.Rathinaraj
Principal District Judge (Retired),
Election Officer, CSI Tirunelveli Diocese,
Palayamkottai, Tirunelveli - 627 002.
4. J.Jeyachandran,
Additional District Superintendent of Police (Retired),
Election officer, CSI Tirunelveli Diocese,
Palayamkottai,
Tirunelveli - 627 002.
5. Pastorate Chairman,
Subbulapuram Pastorate,
CSI Tirunelveli Diocese,
Subbulapuram.
6. Council Chairman,
North Church Council,
Office at Bungalow Surandai,
CSI Tirunelveli Diocese.



7. Sethuraj Seenivasagam,
8. Esthar Velliyammal
9. Muthammal
10. Gnanasekar
11. Jegadeesan
12. Sundar Muthusamy
13. Chandralila
14. Jobath Gnanam
15. Jeyamani Vasikaran
16. Saral Mersi
17. Seenivasagam
18. Annamaniammal
19. Yepsipai Muthurajam
20. Sathiya Vedhanayagam
21. Leethial
22. Johnvilmart
23. Serlin
24. Selvapackiyam
25. Rajammal
26. Aarsirvadham
27. Kerana Sobana
28. Charless
29. Esthar Rani
30. Muthuraj
31. Easudhasan
32. Chandra Kantham
33. Aron Sathiyaraj
34. Sudha
35. Rajammal
36. Thamas yEsudhasan
37. Jenitha Chandramathi
38. Jeen Reachal
39. Muthammal
40. John Samuvel
41. Manuvel
42. John Peter
43. Jothipal Easthar
44. Aasirvatham
45. Thapolthal
46. Janat Sathiya
47. Chelladurai
48. Jeeva
49. Pavul
50. Muthammal
51. Barnabass
52. Joyees
53. Jeyaraj Seenivasagam
54. Amithavalli
55. Thaniyal Jeyapalan



56. Saral Puspagandhi
57. Sabina
58. Sathiyathan
59. Easthar
60. Kristober
61. Saraas
62. Rajanayagam
63. Mariyammal
64. Asariya Barnabass
65. Vasantha Selvi
66. Rust Mari Elisapeth
67. Samuvel Kamalesan
68. Amithasanthi
69. Muthuraj
70. Gandhimathi @ Easthar
71. Muthusamy
72. Medos Jeyaseli
73. Sathiya Vedhanayagam
74. Muthurani
75. Aasirvatham
76. Jegathambal
77. Samuvel Dhinakaran
78. John Viklip
79. Manuvel Raj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records of the impugned order passed by the 2nd Respondent herein in election appeal in E.A.No.8/2020-2021 dated 12.01.2021 and quash the same as illegal and further direct the 2 to 4 Respondents herein to pass appropriate orders to remove the 7 to 79 Respondents herein from the voters list of Suppulapuram Sabai, Vagaikulam Pastorate, C.S.I. Tirunelveli Diocese forthwith.

For Petitioner	: Mr.V.Meenakshi Sundaram
For R1	: M/s.Veera Associates

O R D E R

The petitioner has come up with this writ petition to quash the order dated 12.01.2021 passed by the second respondent in Election Appeal No.8/2020-21 and consequently, direct the respondents 2 to 4 to pass appropriate orders to remove the respondents 7 to 79 from the voters list of Suppulapuram Sabai, Vagaikulam Pastorate, C.S.I. Tirunelveli Diocese forthwith.

2.By order dated 05.02.2021, this Court directed the Election Officers to permit the private respondents 7 to 79 to cast their votes and to keep the said votes in a separate sealed box till the completion of the election process.



3.Today, when the matter was taken up for consideration, the learned counsel for the learned Administrators produced a copy of the communication sent by the Election Officers on 18.02.2021, wherein it is specifically stated that the votes obtained by the winning candidates of two Diocesan Council Members are more than the 73 votes, who were eligible to vote based on the order of this Court and hence, it is not necessary to count the said 73 votes, which are kept in separate box. Regarding the Pastorate Committee members, it is stated therein that out of 20 contestants, 10 contestants received more than 172 votes and the 11th person received only 76 votes and the difference between the 10th and 11th candidates is 96 votes and hence, there is no possibility for any change in the list of elected pastorate Committee members, even one gets the entire 73 votes.

4.In view of the present state of affairs as stated above, this Court is of the opinion that nothing survives for further adjudication in this writ petition. Accordingly, this writ petition is dismissed as having become infructuous. The Election Officers shall declare the result of the election held on 07.02.2021 in respect of Subbulapuram Pastorate. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS-)

To

The Election Commission Tribunal No.II,
CSI Tirunelveli Diocese,
Tirunelveli.

+1 CC to M/s.VEERA ASSOCIATES, (SR-6530[F] dated 22/02/2021)
+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-6760[F] dated 23/02/2021)

RK

TE : 08/03/2021 : 4P/4C

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WMP(MD)No.1103 of 2021
19.02.2021