



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2021

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.1295 of 2021

and

WMP(MD)Nos.1082 & 1083 of 2021

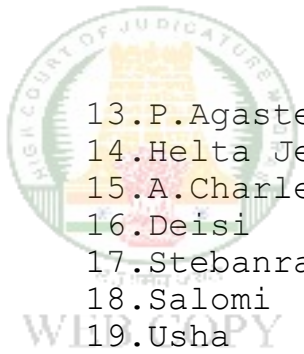
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... Petitioner

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,
Vagaikulam Pastorate,
CSI Tirunelveli Diocese,
Vagaikulam.
6. Council Chairman,
North Church Council,
Office at Bungalow Surandai,
CSI Tirunelveli Diocese.
7. P.Artharaj
8. S.Navamani Gnanadepam,
- 9.R.Baby Saila
- 10.A.Aruldass
- 11.A.Jenitha Kires
- 12.A.Jebarsan

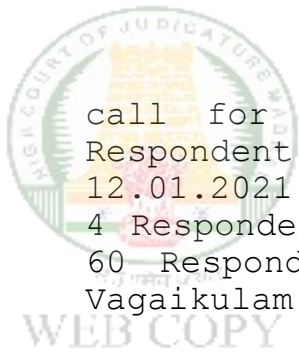


- 13.P.Agasteen
- 14.Helta Jebakani
- 15.A.Charless
- 16.Deisi
- 17.Stebanraj
- 18.Salomi
- 19.Usha
- 20.S.Rajan
- 21.Samuvel
- 22.Gandhimathi
- 23.Therasammal
- 24.Y.R.Vedhanayagam
- 25.Y.R.Jospinmariyal
- 26.Banumathi
- 27.Ganagammal
- 28.T.Palpandi
- 29.Nesamai
- 30.S.Baskar
- 31.P.Santhi
- 32.V.Tamilselvi
- 33.Kalanjiyam
- 34.Lalitha
- 35.P.Veerammal
- 36.S.Vedhamani
- 37.Nallathai
- 38.S.Vedhanayagam
- 39.V.Vedhammal
- 40.S.Prama
- 41.J.Packiyathai
- 42.T.Mesak
- 43.Santhosam
- 44.Arumugam @ Aasirvatham
- 45.Estharkovilpillai
- 46.A.Dhanakaran
- 47.Pansirani
- 48.Kurusthomas
- 49.E.Simsan Jeyakumar
- 50.S.Vedhammal
- 51.Sathishkumar
- 52.R.Chelladurai
- 53.Kiresesh
- 54.M.Balamurugan
- 55.P.Menaga
- 56.R.Selvaraj
- 57.Dineshkumar
- 58.A.Appeal
- 59.Lilli
- 60.K.Mathakani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to

<https://hcservices.mca.gov.in/hcservices/>



call for the records of the impugned order passed by the 2nd Respondent herein in election appeal in E.A.No.9/2020-2021 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 60 Respondents herein from the voters list of Vagaikulam Sabai, Vagaikulam Pastorate, C.S.I. Tirunelveli Diocese forthwith.

For Petitioner : Mr.V.Meenakshi Sundaram
For R1 : Mr.Veera Kathiravan, Senior Counsel
for M/s.Veera Associates
For R7 to 60 : Mr.M.Sudhan

O R D E R

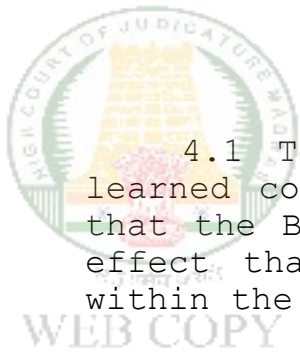
The petitioner has come up with this writ petition to quash the order dated 12.01.2021 passed by the second respondent in Election Appeal No.9/2020-21 and consequently, direct the respondents 2 to 4 to pass appropriate orders to remove the respondents 7 to 60 from the voters list of Vagaikulam Sabai, 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 60 to cast their votes and to keep the said votes in a separate sealed box till the completion of the election process.

3.1 On 19.02.2021, when the matter was taken up for consideration, the learned counsel for the Administrators produced a copy of the communication sent by the Election Officers on 18.02.2021 and submitted that the votes obtained by the winning candidates of two Diocesan Council Members are more than 91 votes, who were eligible to vote based on the order of this Court and hence, the counting of votes kept in the separate box, does not make any change in respect of the winning candidates. Therefore, the learned counsel prayed for dismissal of this writ petition as infructuous.

3.2 On the other hand, the learned counsel for the petitioner submitted that the issue involved herein is related to non-payment of sangam amount by the private respondents 7 to 60 belonging to Vagaikulam Pastorate within the stipulated time. Hence, the learned counsel sought appropriate direction to the learned Administrators to verify and report to this Court in this regard.

3.3 This Court, considering the aforesaid submission made by the learned counsel for the petitioner, directed the learned counsel for the Administrators to ascertain as to whether the private respondents 7 to 60 have paid the sangam amount within the time stipulated, after verification with the records maintained by the Bishop of the church concerned and adjourned the matter to



4.1 Today, when the matter was taken up for consideration, the learned counsel for the Administrators, on instructions, submitted that the Bishop of the concerned church issued certificates to the effect that the private respondents have paid the sangam amount within the prescribed time.

4.2 In the light of the aforesaid submission made by the learned counsel for the Administrators, 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 Vagaikulam Pastorate. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

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/ /2021

Sub Assistant Registrar(CS)

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

WP (MD) No.1295 of 2021

and

WMP (MD) Nos.1082 & 1083 of 2021

23.02.2021

AC (CO)
KK(18.03.2021) 4P 2C