



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2021

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

WP (MD) Nos.2744 and 2747 of 2021

and

WMP (MD) Nos.2247, 2249, 2250 and 2251 of 2021

WEB COPY

P.Yovan ... Petitioner in WP(MD)No.2744/2021

G.Micheal Thangaiah ... Petitioner in WP(MD)No.2747/2021

Vs.

1.The Administrators,
CSI Diocese of Tirunelveli
High Ground Road,
Palayamkottai - 627 002.

2.The Election Officer,
CSI Diocese of Tirunelveli,
Palayamkottai,
Tirunelveli - 627 002.

3.The Moderator,
CSI Diocese of Tirunelveli
Palayamkottai, Tirunelveli - 627 002.

4.The Moderator's Commissary
CSI Diocese of Tirunelveli,
No.16, North High Road,
Palayamkottai, Tirunelveli - 627 002.

5.The Pastorate Chairman
Perpilangulam Pastorate,
Perpilangulam,
Tirunelveli District - 627 002.

6.Rev.S.Jebamani
Pastorate Chairman,
Perpilangulam Pastorate,
Perpilangulam,
Tirunelveli District - 627 002. ... Respondents in
both Wps

Common Prayer: These Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records of impugned order in Letter No.DP/2/2020-2021 dated 02/02/21 (dispatched on 05.02.2021) on the file of the 4th respondent and quash the same and further directing the respondents to conduct election to the post of

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



Diocesan Council member in the Perpilangulam Pastorate by permitting the petitioners to participate.

For Petitioners

: Mr.R.Maheswaran

For Respondents

: Mr.Thangasivan - R1

Mr.Veera Karhiravan, Sr.C

for M/S.Veera Associates R3&R4

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COMMON ORDER

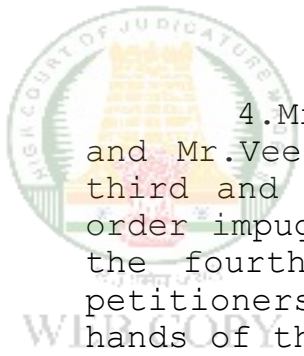
Challenging the notice dated 02.02.2021 issued by the fourth respondent, the petitioners have filed the present writ petitions. A consequential direction has also been sought to the respondents to conduct election to the post of Diocesan Council Member in the Perpilangulam Pastorate by permitting the petitioners in the same.

2.The case projected in the present writ petitions is as follows:

2.1 The petitioners are the members of the CSI Diocese of Tirunelveli and they belong to CSI church in Thalaivaipuram and St.Andrews Church respectively, which come under Perpilangulam Pastorate. They claimed that they are regularly paying the stipulated sangam amount as per the Constitution and they are the present members of the fifth respondent Diocesan Council.

2.2 According to the petitioners, they submitted their nominations to participate in the election held in 2021 to the second respondent for the post of Diocesan Council member, which were accepted and their names found place in the final voters list and nomination list published by the second respondent on 03.02.2021. However, on the date of election i.e., on 07.02.2021, their names did not find place in the ballot papers and the same were struck off in the notice board. Nothing was forthcoming in the enquiry with the second respondent. Due to agitation, the second respondent called off the Diocesan Council member election, but pastorate committee election went on. On 08.02.2021, the petitioners were served with order dated 02.02.2021 passed by the fourth respondent, temporarily suspending them from membership, alleging that the petitioners created the forged confirmation certificates in favour of one Rajappa and Masillamani. Aggrieved over the same, the petitioners have come up with the present writ petitions for the aforesaid relief.

3.The main contention of the learned counsel for the petitioners is that without issuing any notice and providing an opportunity of being heard, the fourth respondent suspended the petitioners from membership, by the order impugned herein, which was served on them, after publication of the final voters list and nomination list and hence, the same is arbitrary, illegal and against the principles of natural justice.



4.Mr.Thangasivan, learned counsel for the first respondent and Mr.Veera Kathiravan, learned Senior Counsel appearing for the third and fourth respondents made their submissions supporting the order impugned herein. According to them, after proper verification, the fourth respondent has initiated the proceedings against the petitioners and hence, the same warrants no interference at the hands of this Court.

5.Heard all the parties and perused the materials brought on record.

6.What was challenged in these writ petitions is only to the show cause notice issued by the fourth respondent, thereby calling upon the petitioners to file their replies as to why action should not be initiated against them and should not be removed from the membership of the Church/Diocese of Tirunelveli, within 15 days from the date of receipt of the said notice. Ordinarily, a writ petition against a show-cause notice should be dismissed as premature, because no cause of action arises at that stage. Hence, the petitioners are expected to submit their explanations to the said show cause notice.

7.At this juncture, the learned counsel for the petitioners submitted that the petitioners have already submitted their replies to the show cause notice, which is impugned herein.

8.Thus, considering the facts and circumstances of the case and as agreed by all the parties, this Court directs the fourth respondent to conduct enquiry after taking note of the objections filed by the petitioners to the show cause notice, and pass appropriate orders, on merits, within a period of two weeks from the date of receipt of a copy of this order. The petitioners shall appear for the enquiry and co-operate with the respondent authorities for early completion of the same. In the mean time, the petitioners shall be permitted to participate in the election to be held on 20.02.2021 and their votes be kept in a separate cover. The result of the election pertaining to Diocesan Council Member in the Perpilangulam Pastorate shall be withheld, till the order is passed by the fourth respondent in respect of the disciplinary proceedings initiated against the petitioners.

9.Accordingly, both the writ petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

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Perpilangulam Pastorate,
Perpilangulam,
Tirunelveli District - 627 002.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-6529[F] dated
22/02/2021)

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19.02.2021

SJ(CO)
KB(03.03.2021) 4P 7C