



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

WP (MD) No.4709 of 2021

and WMP (MD) No.3819 of 2021

G.Sundar Muthusamy

... Petitioner

Vs.

1. The Registrar of Companies,
Ministry of Corporate Affairs,
Block No.6, B Wing,
Second Floor, Shastri Bhavan,
D.No.26, Haddows Road, Chennai 600 006.

2. The Hon'ble Administrators,
CSI Tirunelveli Diocese Election,
CSI Tirunelveli Diocese, Tirunelveli District.

3. The Most Rev.Moderator,
Church of South India,
5, Whites Road, Royapettah, Chennai - 14.

4. The Tirunelveli CSI Diocese,
Rep.by its Bishop,
176B, Trivandrum Road,
Tirunelveli,
Tirunelveli District.

5. The Tirunelveli Diocese Trust Association,
Old No.18, New No.19,
North High Ground Road,
Palayamkottai, Tirunelveli 627 002.

6. The Election Officer,
CSI Tirunelveli Diocese Election,
CSI Tirunelveli Diocese,
Tirunelveli District.

7. The Pastorate Chairman,
Subbalapuram Pastorate,
Subbulapuram, Tirunelveli District.

8. Mr.G.John Kennady

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents 1 to 7 to take action on the petitioner's representations dated 11.01.2021 and 25.02.2021 seeking to reject the candidature of the 8th respondent in the Election of CSI Diocese



of Tirunelveli for the year 2020-2021.

For Petitioner
For Respondents

: Mr.R.J.Karthick
: Mrs.L.Victoria Gowri -R1
Mr.Thangasivan - R2
Mr.Veera Kathiravan for
M/s.Veera Associates - R4
Mr.Meenakshisundaram-R8 for
Mr.D.Nallathambi

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O R D E R

The relief sought for in this writ petition is to issue a mandamus directing the respondents 1 to 7 to take action on the petitioner's representations dated 11.01.2021 and 25.02.2021 to reject the candidature of the 8th respondent in the Election of CSI Diocese of Tirunelveli for the year 2020-2021.

2.According to the petitioner, he is a member of Subbulapuram Pastorate and he applied for nomination of congregation representative to the Diocesan Council on 13.01.2021. He further stated that there is a prohibition for the Government servant to contest the election for the religious institutions. However, the eighth respondent, who is working as Salesman in Q.1066 Rajapalayam Consumer Co-operative Wholesale Stores Limited and is receiving salary from the Government, filed his nomination to contest the election. Hence, the petitioner submitted representations / objections dated 11.01.2021 and 06.02.2021 to the sixth respondent requesting to reject the candidature / nomination of the eighth respondent. He also made a representation dated 25.02.2021 to the second respondent in this regard. Finding no response on the said representations, the petitioner has come up with this writ petition for the aforesaid relief.

3.Heard the learned counsel appearing for the parties and perused the documents filed in the typed set of papers.

4.The legal position is that the person, who is holding any post and is drawing salary from the Government, cannot contest the election for the religious institutions. This Court also makes it clear that the Government servants are prohibited from participating / contesting the election in respect of the religious organisations.

5.Therefore, this Court directs the sixth respondent to consider the representations of the petitioner dated 11.01.2021 and 06.02.2021 and pass appropriate orders, on merits and in accordance with law, that too, after providing an opportunity of personal hearing to the petitioner as well as the eighth respondent. Taking note of the fact that the election of CSI Diocese is going on, such an exercise shall be completed by the sixth respondent, as expeditiously as possible.



6. With the aforesaid directions, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Registrar of Companies,
Ministry of Corporate Affairs,
Block No.6, B Wing,
Second Floor, Shastri Bhavan,
D.No.26, Haddows Road, Chennai 600 006.

2. The Administrators,
CSI Tirunelveli Diocese Election,
CSI Tirunelveli Diocese, Tirunelveli District.

3. The Election Officer,
CSI Tirunelveli Diocese Election,
CSI Tirunelveli Diocese,
Tirunelveli District.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-10397[F] dated 11/03/2021)

WP(MD)No.4709 of 2021
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10.03.2021

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KB(24.03.2021) 3P 5C