



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2021

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THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P. (MD)No.6669 of 2021
and WMP. (MD)No.5148 of 2021

G.Micheal Thangaiah

... Petitioner

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 Highroad,
Palayamkottai, Tirunelveli - 627 002.

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

6. Rev.S.Jebamani,
The Pastorate Chairman,
Perpilangulam Pastorate,
Perpilangulam,
Tirunelveli District - 627 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of impugned order in Lr.No.DP/3/2020-21 dated 03.03.2021 on the file of the 4th Respondent and quash the same and further directing the 1st Respondent to appoint an enquiry committee to conduct enquiry pursuant to the show cause notice dated 02.02.2021 and complete the same before the date of nomination for the 4th phase of election scheduled to be held on 13.04.2021.



For Petitioner : M/s R.Maheswaran
For Respondents : Mr.Thangasivan (R1)
Mr.Veera Kathiravan, Sr.C
for M/s.Veera Associates R3 & R4
Mr.Prabhu Rajadurai (R5 & R6)

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ORDER

The prayer made in this writ petition is to issue a Writ of Certiorarified Mandamus, calling for the records of the order in Lr.No.DP/3/2020-21 dated 03.03.2021 on the file of the 4th Respondent and quash the same and further direct the 1st Respondent to appoint an enquiry committee to conduct enquiry pursuant to the show cause notice dated 02.02.2021 and complete the same before the date of nomination for the 4th phase of election scheduled to be held on 13.04.2021.

2.Today, when the matter was taken up for consideration, the learned counsel for the fourth respondent filed a report dated 08.04.2021, received from the local court constituted by the Moderator's commissary for the purpose of conducting enquiry in respect of the four delinquents, including the petitioner herein, wherein, it is ultimately stated that the charges against the delinquents are proved beyond reasonable doubt and hence, they are liable for punishment of losing their right to participate in the government of the diocese at all level and to lose their primary membership as per rule 21 of chapter 1(B) and other provisions of the Tirunelveli Diocese. Hence, according to the learned counsel, the relief sought herein has become infructuous.

3.The aforesaid submissions made by the learned counsel for the fourth respondent have been conceded by the learned counsel appearing for the petitioner and other respondents.

4.In view of the above, this Court is of the opinion that nothing survives for adjudication. Hence, this writ petition stands dismissed as infructuous, leaving it open to the petitioner to have other remedies in the manner known to law, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Administrators,
CSI Tirunelveli Diocese,
Tirunelveli District.

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

+1 CC to M/s.R.MAHESHWARAN, Advocate (SR-15719[F] dated
09/04/2021)

W.P. (MD) No. 6669 of 2021
09.04.2021

MA (CO)
TR (05.07.2021) 3P 4C