



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :31.03.2021

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P (MD)No.7290 of 2021

and

W.M.P (MD) No.5550 of 2021

D.Devasahayam

... Petitioner

Vs

1.Union of India,
Ministry of Corporate Affairs,
Represented by its Secretary,
Shastri Bhawan,
Rajendra Prasad Road,
New Delhi -1 .

2.The Registrar of Companies, Chennai,
Block No.6, B Wing 2nd floor,,
Shastri Bhawan 26,
Haddows Road,
Chennai - 34.

3.The District Registrar, (Societies)
Mahal Road, Madurai - 1.

4.Church of South India Trust Association,
CIN No.U93090TN1947NPL000346,
No.5, Whites Road,
Royepettah, Chennai -14.

5.Church of South India, (Unregistered Society),
No.5, Whites Road,
Royepettah, Chennai -14.

6.Madurai Ramnan Diocesan Management Association,
Through it Secretary,
AVH building, 162, East Veli Street,
Madurai - 1.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the second respondent to take appropriate action against the Priests, Bishops and Moderators of 5th respondent and who are all participating in the managing affairs of the 4th respondent through 5th respondent unregistered association by disposing the petitioner's representation dated 07.02.2021 within stipulated time.



For Petitioner : Mr.T.A.Ebenezer
For Respondent No.3 : Mr.Sathiya Singh,
Additional Government Pleader
For Respondent No.4to6 : M/s.Ajmal Associates

ORDER

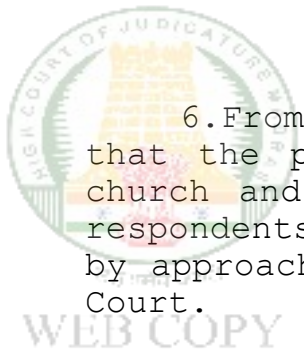
WEB COPY The case of the petitioner is that the 4th respondent company is incorporated under the Companies Act and the 5th respondent is an unregistered society. The 5th respondent church is having 24 dioceses all over South India. The 6th respondent Association is under the management and connected to the 5th respondent.

2.The grievance of the petitioner is that regularly elections are being conducted for every diocese and the elected people will represent in the apex body namely SYNOD, which is unregistered association and thereafter, Directors would be nominated to the 4th respondent association. According to him the procedure followed all along in the election of the members and their nomination to the apex body is not in consonance with the provisions of the Companies Act.

3.According to the petitioner, employees employed by the 4th respondent received salary from association and therefore, the priest of the 4th respondent institution being an employee can never be a part of the 4th respondent company. Therefore, he is before this Court seeking a direction to the 2nd respondent to take action against the 5th respondent unregistered body for participating in the managing affairs of the respondent, which is against the provisions of the Companies Act.

4.The grievance as expressed in the affidavit filed by the petitioner has not clearly spelt out for this Court to entertain this writ petition. In fact, the petitioner has not disclosed what is his *locus standi* to maintain this writ petition as nothing has been averred in this regard about its connection with the 4th and 6th respondents. Further it appears that the petitioner has some grievance against the internal function of the 5th respondent and respondent also the 4th respondent company for which the remedy is not before this Court in this writ jurisdiction.

5.In case the 4th respondent company not acting in terms of the provisions of the Companies Act, it is open to any person, who is legitimately aggrieved to invoke appropriate remedy in a manner known to law under the provisions of the Companies Act, but not before this Court under Article 226 of the Constitution of India. In respect of the grievance regarding the elections being conducted to the dioceses and related matters, it is for the petitioner to approach the civil Court in order to adjudicate his rights. In any event, in the absence of any disclosure on his status about his *locus* to maintain this writ petition, this writ petition is liable to be dismissed on that ground alone.



6.From the cumulative reading of the affidavit it could be seen that the petitioner has personal dispute with the members of the church and in order to settle his personal grudge as against the respondents 4 to 6, the petitioner is misusing the public law remedy by approaching and invoking the constitutional jurisdiction of this Court.

7.This Court cannot give any directions on the basis of the self serving averments of the petitioner, who appears to have axe to grind against the respondents 4 to 6, such a motivated litigation lacking any *bona fide* ought not to be entertained at all.

8.For the stated reasons, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Records)

//True copy//

/ /2021
Sub Assistant Registrar

To

- 1.The Secretary, Union of India,
Ministry of Corporate Affairs,
Shastri Bhawan,
Rajendra Prasad Road,
New Delhi -1 .
- 2.The Registrar of Companies, Chennai,
Block No.6, B Wing 2nd floor,,
Shastri Bhawan 26,
Haddows Road,
Chennai - 34.
- 3.The District Registrar,(Societies)
Mahal Road, Madurai - 1.

+1CC to THE SPECIAL GOVERNMENT PLEADER(SR-15033[F] dated 01/04/2021)
+1 CC to M/s.T.A.EBENEZER, Advocate (SR-15271[F] dated 01/04/2021)
+1 CC to M/s.AJMAL ASSOCIATES (SR-15304[F] dated 01/04/2021)

Order made in
W.P(MD)No.7290 of 2021 and
W.M.P(MD) No.5550 of 2021
31.03.2021

DSK
SRS/24.05.2021/3P/7C

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