



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

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THE HON'BLE MR.JUSTICE R.MAHADEVAN

WP(MD)Nos.8592 and 8595 of 2021
and WMP(MD)Nos.6470, 6471, 6472,
6475, 6476 and 6477 of 2021

G.Michael Thangaiah ... Petitioner in WP(MD)No.8592 of 2021

P.Yovan ... Petitioner in WP(MD)No.8595 of 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.The Chairman,
Pastorate Chairman,
Local Court,
CSI Diocese of Tirunelveli
Palayamkottai,
Tirunelveli - 627 002.

... Respondents in
both WPs



Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari calling for the records of the impugned order dated 08.04.2021 on the file of the sixth respondent pertaining to the enquiry for the removal of membership of the petitioners is concerned and quash the same.

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For Petitioners : Mr.R.Maheswaran
For Respondents : Mr.Thangasivan (R1)
Mr.G.Prabhu Rajadurai (R5 & R6)

COMMON ORDER

Challenging the report dated 08.04.2021 filed by the sixth respondent / Local court, the petitioners have come up with these writ petitions.

2.According to the petitioners, for the purpose of conducting enquiry into the charges framed against them that they provided forged confirmation certificates to one Rajappa and Masillamani for contesting the election, the fourth respondent constituted a local court. After enquiry, the local court found that the petitioners and two other delinquents have committed the offence of conspiracy, created fake and forged confirmation certificates, used the same to cheat the church and presented them in the election process, thereby violating the rules and the provisions of the Constitution of the CSI diocese of Tirunelveli. As the charges against the delinquents were held to be proved beyond reasonable doubt, the local court was of the opinion that 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, besides losing their right to share in the privileges of all obligation of membership as per the provisions of chapter XI of the Constitution of the CSI; and they are also liable for criminal prosecution under relevant provisions of criminal law. Accordingly, the local court filed the report impugned herein, to the Moderator's Commissary for passing appropriate orders. Feeling aggrieved, the petitioners are before this court with the present writ petitions.

3.Today, when the writ petitions were taken up for consideration, the learned counsel for the petitioners fairly submitted that it would suffice, if a direction is given to the Moderator's commissary to pass orders, based on the report filed by the Local court, after providing sufficient opportunity to the petitioners.

4.In view of the above submission made by the learned counsel for the petitioners, this court directs the fourth respondent / Moderator's Commissary to pass appropriate orders, based on the report filed by the Local court, on merits and in accordance with law, that too, after providing reasonable opportunity to the



of a copy of this order.

5. These writ petitions stand disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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To

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
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Palayamkottai, Tirunelveli - 627 002
5. The Pastorate Chairman,
Perpilangulam Pastorate,
Perpilangulam
Tirunelveli District - 627 002
6. The Chairman,
Pastorate Chairman,
Local Court,
CSI Diocese of Tirunelveli
Palayamkottai,
Tirunelveli - 627 002.



+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-30390[F] dated
27/09/2021)

WP (MD) Nos. 8592 and 8595 of 2021
23.09.2021

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NSN (CO)
KB/PM(29.10.2021) 4P 8C