



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

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THE HON'BLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.10197 of 2021

K.Paul Rij

... Petitioner

Vs.

1. The Administrators,
(Appointed by Hon'ble High Court Madurai Bench)
Diocese of Tirunelveli,
Palayamkottai - 627 002.

2. The Moderator Commissary,
Diocese of Tirunelveli,
Palaymkottai - 627 002.

3. The Moderator,
Church of South India,
No.5, Whites Road, Royapettah,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the Hon'ble Administrators appointed by this Hon'ble High Court for the administration of Tirunelveli CSI Diocese to conduct the election to the office of the Bishop of Tirunelveli CSI Diocese in accordance to the Election Schedule considering the representation of the Petitioner dated 26.04.2021.

For Petitioner	: Mr.I.Robert Chandrakumar
For R1	: Mr.Thangasivan
For R2 & R3	: Mr.G.Prabhu Rajadurai

O R D E R

According to the petitioner, the Church of South India has issued the mandate on 27.04.2021 for the election to the office of Bishop, as per which, the Executive Council of Tirunelveli Diocese appointed 5 member committee to conduct the election process. They further fixed the election schedule starting from 8th July and ending by 10th September. Apprehending unnecessary litigations and controversies in view of the acrimonious contest, the petitioner stated that the learned Administrators appointed by this Court to conduct the Diocesan Council election, may have to conduct the election of Bishop as well, so as to complete the same in a free and fair manner. Stating so, the petitioner submitted a representation dated 26.04.2021 to the learned Administrators requesting them to conduct the election to the office of the Bishop also. Since the said representation was kept pending till date, the petitioner has approached this court with the present writ petition seeking



appropriate direction to the learned Administrators in this regard.

2. Heard both sides and perused the materials placed before this Court.

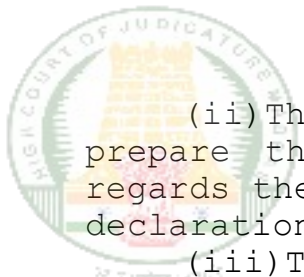
3. The facts remain undisputed are that by order dated 05.08.2019 in WP(MD)No.21134 of 2017 etc. batch, the Hon'ble Mr. Justice N.Paul Vasanthakumar, Chief Justice of Jammu & Kashmir (Retd.) and the Hon'ble Mr. Justice P.Jyothimani (Retd) were appointed as Administrators of the Diocesan Council of Diocese of Tirunelveli and TDTA. By judgment dated 25.02.2020 in WA(MD)Nos.878 of 2019 etc. batch, the said order was affirmed by a Division Bench of this Court and the Administrators were requested to complete the 4 phases of election and they would be relieved from their duties, after the newly elected body assume the office. Pursuant to the same, the Administrators conducted the election of Diocesan Council in a peaceful manner and filed their report to that effect. Subsequently, the newly elected body assumed office of the CSI Diocese of Tirunelveli.

4. Now, the election to the office of Bishop is going to be conducted by the Church of South India. If the said process, which will be in continuation of the Diocesan Council election, is allowed to be carried on under the supervision and control of the same Administrators, there will not be any controversies / allegations in whatsoever manner, according to the petitioner. The same has also been agreed upon by other side and they also prayed for the said election process to be conducted under the guidance of the Administrators, in order to avoid financial constraints, besides unwanted litigations.

5. Considering the facts and circumstances of the case and taking note of the commendable job done by the Administrators in the conduct of CSI Tirunelveli Diocese election and also at the request of all the parties, this Court, in the interest of the institution, is inclined to entrust the task of conducting the bishop election as well, to the Administrators by appointing them afresh.

6. Accordingly, the Hon'ble Mr. Justice N.Paul Vasanthakumar, Chief Justice of Jammu & Kashmir (Retd.) and the Hon'ble Mr. Justice P.Jyothimani (Retd) are appointed as Administrators to supervise and monitor the conduct of the bishop election and render assistance to the Diocesan Council in the administration and management of the CSI Diocese of Tirunelveli, till the bishop election is over. They shall be paid a sum of Rs.1,00,000/- each per month towards honorarium, apart from reimbursement of all the expenses including transportation incurred by them to discharge their duties. They shall be assigned with the following duties and responsibilities:

(i) The Administrators shall render assistance to the Diocesan Council by appointing two Election Officers, with respect to the conduct of bishop election in a free and fair manner;



(ii) They shall administer the conduct of bishop election and prepare the schedule for the same, if not already prepared, as regards the filing of nominations, election date, counting of votes, declaration of result, etc.

(iii) They shall oversee the efficient and effective management of the electoral process at the field level.

(iv) The Administrators shall appoint any number of officers for smooth and effective conduct of the election.

(v) If there is any disturbance created by any one, it is open to the Administrators / Election Officers to seek police protection.

(vi) All the complaints / representations / disputes relating to the election shall be addressed to the Administrators, who shall redress the same in accordance with law. It is needless to state that the decision of the Administrators is final and the same is binding on all the parties.

(vii) All the expenses relating to the election, shall be borne out by the CSI diocese.

(viii) The Administrators shall file status report periodically to this court.

(ix) If there is any clarification, they are at liberty to approach this court by filing memo/petition.

7. This writ petition stands disposed of in the above terms. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The Administrators,
Diocese of Tirunelveli,
Palayamkottai - 627 002.

2. The Moderator Commissary,
Diocese of Tirunelveli, Palayamkottai - 627 002.

3. The Moderator, Church of South India,
No.5, Whites Road, Royapettah, Chennai.

+1 CC to M/s.G.PRABHU RAJA DURAI, Advocate (SR-22071[F] dated
12/07/2021)

WP(MD)No.10197 of 2021
09.07.2021

SGS(CO)

https://hccs4.ecourts.gov.in/cases/3P_5C