



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) .No.14498 of 2021

and

W.M.P. (MD) .No.11426 of 2021

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P.Victor Selvaraj

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Education,
St.George Fort,
Chennai-600 009.
- 2.The District Collector,
Thoothukudi District Collectorate,
Thoothukudi.
- 3.The District Registrar,
Thoothukudi District,
Thoothukudi-628 008.
- 4.The CSI Thoothukudi-Nasareth Diocese,
Represented by its Bishop,
No.100, Beach Road,
Thoothukudi.
- 5.Mr.Pon Durairaj,
Convener-Election Tribunal,
Caldwell Higher Secondary School Campus,
Thoothukudi-628 001.
- 4.Rev. Samuel Raviraj,
Pastorate Chairman / Election Officer,
Naduvakurichi Pastorate,
CSI Thoothukudi Nasereth Diocese,
Naduvakurichi,
Sawyerpuram Post,
Thoothukudi District-628 251.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondent Nos.1 to 3 to ensure fair election of the Pastorate Committee of Naduvakurichi on 15.08.2021 based upon the petitioner's representation dated 28.07.2021 and on 09.08.2021.



For Petitioner : Mr.K.K.Kannan
For Respondents : Mr.P.Subbaraj
Counsel for State for R1 to R3
: Mr.V.Lakshmi Narayanan
for Mr.J.Kingsly Solomon for R4

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ORDER

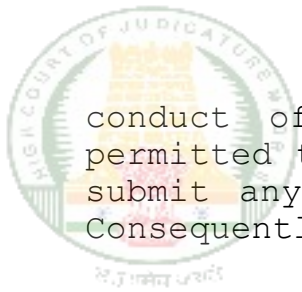
The petitioner seeks a direction to the official respondents to ensure fair elections of the Pastorate Committee of Naduvakurichi based on his representations.

2. The principal contention of the petitioner is that the election of office bearers for the fourth respondent Diocese is scheduled on 15.08.2021. The petitioner had participated in the electoral process in the past, but the sixth respondent has prepared a voters' list from which the names of the petitioner, his wife and fifteen other members were omitted. Therefore, the petitioner has submitted two representations on 28.07.2021 and 09.08.2021. On account of the non consideration of such representations, the present Writ Petition is filed.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. Mr.J.Kingsly Solomon, learned counsel, accepts notice on behalf of the fourth respondent and he is represented in these proceedings by Mr.V.Lakshmi Narayanan, learned counsel.

4. Mr.V.Lakshmi Narayanan, learned counsel, contends that the elections pertain to a pastorate which does not perform public functions. Consequently, he states that no public law element is involved in the present proceedings and that, therefore, the Writ Petition is not maintainable. Without prejudice, he states that the Rules relating to the elections mandate that an individual can participate in the elections to only one Diocese. As regards the petitioner, he is a resident of Tirunelveli District and, therefore, may not be in a position to participate in the elections in Thoothukudi. However, he states that the representation of the petitioner dated 09.08.2021, which is also addressed to the Bishop, would be considered and disposed of by tomorrow i.e. 14.08.2021.

5. Accordingly, without going into the question of the maintainability of the Writ Petition, W.P.(MD).No.14498 of 2021 is disposed of by directing the fourth respondent to consider the petitioner's representation dated 09.08.2021 and dispose of the same by a reasoned order in accordance with the Rules pertaining to the



conduct of elections to the Diocese. The petitioner is also permitted to appear in person before the Bishop or his delegate and submit any additional documents in support of his representation. Consequently, W.M.P.(MD).No.11426 of 2021 is closed.

Sd/-

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Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary,
State of Tamil Nadu,
Department of Education, St.George Fort, Chennai-600 009.
- 2.The District Collector,
Thoothukudi District Collectorate, Thoothukudi.
- 3.The District Registrar,
Thoothukudi District. Thoothukudi-628 008.

Copy to:-

The Bishop, CSI Thoothukudi-Nasareth Diocese,
No.100, Beach Road,
Thoothukudi.

+1 CC to M/s.GP (SR-26390[F] dated 16/08/2021)

W.P. (MD) .No.14498 of 2021

13.08.2021

RD(24.08.2021) 3P 6C