



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.2149 of 2021
and C.M.P. (MD) No.10002 of 2021

Julius Jawahar Devakandan

... Appellant/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.

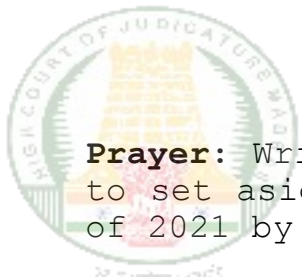
3.Church of South India Trust Association,
CIN No.U93090TN194NPL000346,
Represented by its General Secretary,
No.5, Whites Road,
Royapettah, Chennai - 14.

4.Church of South India,
Represented by its Moderator,
No.5, Whites Road,
Royapettah, Chennai - 14.

5.CSI Diocese of Madurai Ramnad,
Represented by its Bishop,
162, East Veli Street,
Madurai - 1.

6.Fernandus Rethinaraja
General Secretary,
Church of South India,
No.5, Whites Road,
Royapettah, Chennai - 14.

... Appellants/Respondents



Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order, dated 23.09.2021, made in W.P.(MD) No.17129 of 2021 by allowing the appeal.

Prayer in WP(MD). 17129/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the Second respondent from approving the elected or nominated candidates as directors through unregistered Church of South India or Synod or its dioceses otherwise than elected under Companies Act, 2013 to 3rd respondent company based on the petition representation dated 03.06.2020

For Petitioner : Mr.T.A.Ebenezer

For Respondent Nos.1 : Mrs.L.Victoria Gowri
& 2 Assistant Solicitor General of India

For Respondent Nos.3 : Mr.Ajmalkhan
to 6 Senior Counsel for
M/s.Mahaboob Athiff

J U D G E M E N T

(Judgment of the Court was made by PUSHPA SATHYANARAYANA,J.)

W.P.(MD) No.17129 of 2021 was filed by the appellant herein for issuance of a Writ of Mandamus, forbearing the Registrar of Companies, Chennai, the second respondent herein from approving the elected or nominated candidates as directors through unregistered Church of South India or Synod or its dioceses otherwise than elected under Companies Act, 2013 to the third respondent company. The said Writ Petition was dismissed by the learned Single Judge and challenging the same, the Writ Appeal has been filed.

2.Heard Mr.T.A.Ebenezer, learned counsel for the petitioner, Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, appearing for respondent Nos.1 and 2 and Mr.Ajmalkhan, learned Senior Counsel, appearing for respondent Nos.3 to 6.

3.Though the petitioner claims to be a Member of the 5th respondent Diocese, that was denied by respondent Nos.3 to 5. Since the petitioner is neither a Member nor Director, he has no *locus standi* to maintain the Writ Petition. Admittedly, the Church of South India is registered under Section 26 of the Indian Companies Act, 1913, and it is an independent entity. When the petitioner is not a Member of the third respondent, he cannot be claimed to be a stakeholder. The learned Single Judge has rightly observed that if the petitioner is aggrieved by the conduct of the election, it is open to him to approach the jurisdictional Civil Court and a mandamus cannot be issued to restrain the statutory authority from performing the statutory functions. There is no reason for



interfering with the order of the learned Single Judge.

4. In view of the above, the Writ Appeal stands dismissed, confirming the order of the learned Single Judge. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sj

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,
Ministry of Corporate Affairs
Union of India,
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.

W.A. (MD) No.2149 of 2021
03.12.2021

MGJ(15.12.2021) 3P 3C