



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.01.2022
CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

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Writ Petition (MD) No. 968 of 2021
and
WMP. (MD) Nos.835 and 836 of 2021
and 6420 of 2021

K.P.K. Selvaraj
S/o.K.P.Karuthaiah Nadar,
9/18, Church Street,
Karaichuthu Pudur,
Thisayanvilai Taluk
Tirunelveli - 627 657

.. Petitioner

Versus

1. The Administrators,
Diocese of Tirunelveli,
High Ground Road,
Palayamkottai - 627 002.
2. The Election Commission Tribunal No.1
Diocese of Tirunelveli,
Palayamkottai - 627 002.
3. The Pastorate Chairman,
Karaichuthu Pudur Pastorate,
Karaichuthu Pudur,
Tirunelveli District 627 002.
4. P.Victor John
North Main Road,
Idayankudi,
South Council, Tirunelveli District.
5. P.Anantha Kasi,
Holy Trinity Church,
Karaichuthu Pudur,
South Council, Tirunelveli District.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari calling for the proceedings of the order dated 12/01/2021 passed in EA.No.13/2021 on the file of the second respondent and quash the same.



For Petitioner : Mr. R. Maheswaran
For Respondents : Mr. Thangasivan (R1)
Mr. Arumugam (R3)
Mr. Ebenezer (R4 & R5)

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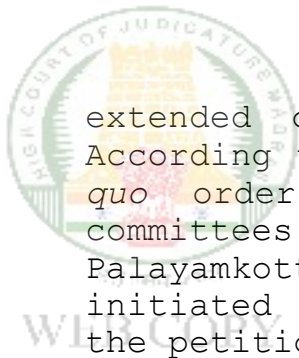
ORDER

According to the petitioner, by resolution dated 06.06.2016 passed by the Executive Committee, he was disqualified from membership with effect from 06.06.2016 and suspended from primary membership of the church pending enquiry for certain charges. Thereafter, the executive committee set aside the said suspension order, on 28.09.2017 as violation of individual rights. The validity of the said resolution was questioned by the respondents 4 and 5, on the ground that the bishop has not given his assent to the said resolution and hence, the suspension of the petitioner's membership is still valid and in force. Stating so, they filed objection petition and also prayed for removal of the petitioner's name from the voter list of Karaichuthuputhur Pastorate, to the Pastorate Chairman. However, no order was forth coming, which compelled the respondents 4 and 5 to file appeal before the South Council Chairman, but, no speaking order was passed on the said appeal. Therefore, they filed further appeal before the second respondent / Election Commission Tribunal No.1, which, after hearing both sides and upon perusal of the documents placed before it, held that the suspension order of the petitioner's membership was not cancelled or modified or his membership was not restored by proper authority and hence, he was not entitled to participate in the governance of the church of Diocese and he was not a valid voter as per the Tirunelveli Diocesan Constitution. Accordingly, by order dated 12.01.2021, the second respondent directed the Pastorate Chairman, Karaichuthuputhur and the South Church Council Chairman to remove the name of the petitioner from the valid voter list prepared by the Karaichuthuputhur Pastorate for the ensuing election. Feeling aggrieved, the petitioner is before this court with this writ petition to set aside the said order dated 12.01.2021 passed by the second respondent.

2.On 02.02.2021, when the matter was taken up for admission, this court, while ordering notice to the respondents 4 and 5, has granted an order of interim stay for a period of six weeks, which was subsequently extended by order dated 09.04.2021. Pursuant to the said interim order, the petitioner contested the election and elected as member of Diocesan Council and further as member of Executive Committee.

3.On 30.04.2021, while taking up the vacate stay petition filed by the fourth respondent, this court has extended the interim order already granted by maintaining *status quo*, which was subsequently,

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extended on two occasions i.e., on 22.06.2021 and 09.07.2021. According to the fourth respondent, in violation of the said *status quo* order, the petitioner was elected as member of various committees and was appointed as Secretary in St.John's College, Palayamkottai. Pointing out the same, the fourth respondent initiated contempt proceedings in Cont.P.(MD)No.983 of 2021 against the petitioner.

4.Be that as it may, today, when the matter is taken up for consideration, the learned counsel for the petitioner fairly submitted that in view of the completion of the election for CSI Tirunelveli Diocese, the second respondent is no longer in existence; and the petitioner is now, ready and willing to face enquiry being conducted by any person, who will be nominated by the newly appointed bishop. To that effect, the learned counsel filed an affidavit of the petitioner. Stating so, he prayed for appropriate order in this writ petition.

5.The learned counsel appearing for the respondents raised no serious objection for permitting the petitioner to approach the bishop concerned for fresh consideration of the issue involved. The respondents 3 and 4 have also filed their consent affidavit to that effect.

6.In view of the submission now made by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this court permits the petitioner to approach the newly elected bishop of the concerned pastorate with all the relevant materials, within a period of two weeks from the date of receipt of a copy of this order. On such approach, the bishop concerned shall nominate an enquiry officer for conducting enquiry and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to all the parties. Such an exercise shall be completed within a period of eight (8) weeks from the date of filing of the petition by the petitioner. The affidavits filed by the petitioner and the respondents 3 and 4 shall be taken on record.

7.This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

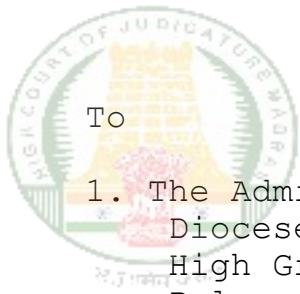
Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To

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Palayamkottai - 627 002.

2. The Election Commission Tribunal No.1
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3. The Pastorate Chairman,
Karaichuthu Pudur Pastorate,
Karaichuthu Pudur,
Tirunelveli District 627 002.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-2726[F] dated 28/01/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-3050[F] dated 31/01/2022)

WP (MD) No. 968 of 2021
27.01.2022

RD(15.02.2022) 4P 6C