



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.6638 of 2021

Dr.Arthur Joseph Asirvatham

... Petitioner

/vs./

1.The Revenue Divisional Officer,
Madurai Revenue Division,
Collectorate Madurai.

2.K.Samidurai

3.D.Stanley David

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing these respondents 2 and 3 to hand over the charges and possession of the administration of the St.George's Church situated in Main Guard Square, which is under the administrative control of the respondents 2 and 3, as per the order of this Court dated 03-10-2019, passed in W.P.(MD) No.21175 of 2019, within a time frame to this petitioner as the secretary and his executive members.

For Petitioner	: Mr.F.X.Eugene
For R1	: Mr.S.Shaji Bino Special Government Pleader
For R2	: Mr.K.Samidurai
For R3	: Mr.D.Stanley David

ORDER

The present writ petition has been filed for a Mandamus to direct the respondents 2 and 3, who are the Administrators, to hand over the charges and possession of the administration of the St.George's Church situated in Main Guard Square to the elected members.

2.The learned counsel appearing for the petitioner submits that there is a dispute between the rival parties to control the affairs of the said Church and therefore, a suit in O.S.No.157 of 2017 came to be filed. It is submitted that in the aforesaid proceeding, an interlocutory application was taken for appointing an Advocate Commissioner to conduct the whole election and pursuant to the aforesaid order, election was held on 10.07.2019.

3.The learned counsel for the petitioner submits that the matter also went to the Hon'ble Supreme Court and the issue now stands concluded. It is submitted that the rival parties attempted



to create problem and under these circumstances, W.P.(MD) No.21175 of 2019 was filed by the Secretary of the said Church, in which an order was passed while disposing the writ petition, by appointing the respondents 2 and 3 as the Administrators. Paragraph No.6 of the aforesaid order reads as under:-

"6.As discussed above, Mr.K.Samidurai, Advocate, 73 Law Chambers, High Court Buildings, Madurai Bench of Madras High Court, Madurai and Mr.D.Stanley David, a Retired District Judge, (former Presiding Officer), 12th Street, Karpaganagar, K.Pudur, Madurai-625 007, are appointed as Administrators for the interregnum period, on monthly remuneration of Rs.75,000/- (Rupees Seventy Five Thousand only) and Rs.25,000/- (Rupees Twenty Five Thousand only) respectively. At their discretion, the Administrators may continue or appoint the suitable committees with respect to management of property, financial affairs and day-to-day administration of the Church. It is open to the members to give suggestions and better ideas for the good administration of the Church. The Administrators are entitled to draw their remuneration from the general fund account of the Church. Thus, by this arrangement, I hope that the members of the Church will have peaceful and harmonious atmosphere in their assemblies."

4.The learned counsel for the petitioner submits that collateral proceedings were also initiated by the rival parties and that a Civil Revision Petition was filed, which was also dismissed. It is submitted that the elected members, who were elected on 10.07.2019, are in a position to run the affairs of the said Church and that the services of the Administrators appointed vide order dated 03.10.2019 in W.P.(MD) No.21175 of 2019 can be dispensed with.

5.The learned counsel for the petitioner submits that the petitioner had also sent a notice to the respondents 2 and 3, to which the respondents 2 and 3 (Administrators) have informed him that without specific orders of the Court, they are not in a position to hand over the possession of the Church. The appointment of the Administrators pursuant to the order dated 03.10.2019 in W.P.(MD) No.21175 of 2019 is only for an interregnum period. If the affairs of the Church are in order, their services may no longer be required. From the reply of the Administrators appointed by this Court, however it is not clear as to whether they are in a position to hand over the control to the elected member.

6.During the course of the hearing, the Administrators, namely respondents 2 and 3 herein, appointed by this Court vide order dated 03.10.2019 in W.P.(MD) No.21175 of 2019 joined through video conference and have confirmed that the affairs of the Church can be handed over to the elected member and their services may be dispensed with.



7. Recording the above oral submission of the Administrators appointed by this Court vide order dated 03.10.2019 in W.P.(MD) No.21175 of 2019, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (As)

WEB COPY

// True Copy //

18/02/2022

Sub Assistant Registrar(CS)

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To

The Revenue Divisional Officer,
Madurai Revenue Division,
Collectorate Madurai.

+1 CC to M/s.F.X.EUGENE, Advocate (SR-6866[F] dated 17/02/2022)

+1 CC to M/s.SPL GP (SR-7096[F] dated 18/02/2022)

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