



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.11290 of 2022

and

W.M.P. (MD) Nos.8047, 8049 and 8051 of 2022

WEB COPY

Pappu.Manickam

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Madurai District.

3.The Moderator-Chairman,
Church of South India, Synod,
No.5, Whites Road, Royappetta,
Chennai - 600 014.

4.The Bishop/Chairman of the Diocese Council,
Church of South India,
Diocese of Madurai and Ramnad,
161, East Veli Street,
Madurai - 625 001.

5.The Chairman of the Pastorate Committee/
Local Committee Chairman,
CSI Church Ratchanyapuram,
K.Pudur, Madurai - 625 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Nomination/Selection of Pastorate Committee list, which was held on 25.07.2021 at CSI Dental College, East Veli Street, Madurai during the Covid-19 lockdown period even after the postponement order passed by the 2nd respondent order dated 25.07.2021 and quash the same as illegal and direct the 3rd, 4th and 5th respondents to conduct a fresh election.

For Petitioner : Mr.S.Arivalagan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R2.

Mr.M.Ajmalkhan, Senior Counsel,
For Ajmal Associates for R3 to R5



ORDER

Heard the learned counsel for the writ petitioner, the learned Special Government Pleader for the respondents 1 and 2 and the learned Senior Counsel for the respondents 3 to 5.

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2.The petitioner is a member of CSI Church, Ratchanyapuram Pastorate, K.Pudur Taluk, Madurai District-7. His grievance is that election to the pastorate committee was illegally held on 25.07.2021. He wants this Court to quash the same and direct the respondents 3 to 5 to conduct fresh election. As rightly pointed out by the learned Senior Counsel for the respondents 3 to 5, the writ petition itself is not maintainable. The respondents 3 to 5 will not fall within the expression "State" as defined in Article 12 of the Constitution of India. They are not state instrumentalities. Therefore, the question of maintaining a writ petition in respect of pastorate election does not arise at all. The petitioner has to workout his rights elsewhere.

3.Leaving open the petitioner's rights, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

To:

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Madurai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-25012[F] dated 10/06/2022)

+1 CC to M/s.SPL GP (SR-25451[F] dated 13/06/2022)

W.P (MD) No.11290 of 2022
09.06.2022

RK 20.06.2022 : 2P/5C