



W.P.(MD)No.25065 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25065 of 2022

and

W.M.P(MD)Nos.19160 & 19161 of 2022

Wilson Jeyakumar

... Petitioner

Vs

- 1.The Tamil Evangelical Lutheran Church,
Represented by its Hon'ble Administrator,
Administrative Office,
P.B.No.86, Tranquebar House,
Tiruchirappalli-620 001.
- 2.The Tamil Evangelical Lutheran Church,
Represented by its Secretary-cum-Election Officer,
Administrative Office,
P.B.No.86 Tranquobar House,
Tiruchirapalli-620 001.
- 3.The Tamil Evangelical Lutheran Church,
Represented by its
The Superintending Minister North Region TELC
Arputhanur Church,
165/4, MTH Road,
Villivakkam, Chennai-600 049.
- 4.Pastor/Chairman (P.C)
Tamil Evangelical Lutheran Church Holy Cross Church,
Chengalpattu,
Chengalpattu District.



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5.The District Registrar,
Office of District Registrar,
Trichy District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned notification issued by the fourth respondent dated 28.10.2022 and quash the same as illegal and unconstitutional.

For Petitioner	: Mr.B.Jameel Arasu
For R1 & R2	: Mr.Ragatheesh Kumar for M/s.Isaac Chambers
For R4	: Mr.P.Arun Jayatram
For R5	: Mr.K.S.Selvaganesan Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned notification issued by the fourth respondent dated 28.10.2022 and quash the same as illegal and unconstitutional.

2.Heard the learned counsel appearing for the petitioner, learned counsel appearing for the respondents 1,2, & 4 and the learned Additional Government Pleader appearing for the fifth respondent.



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3. The learned counsel appearing for the petitioner would submit that the first respondent is a Society registered under the Societies Registration Act having Registration No.1860 of 1919. The Church Rules 1991 of Tamil Evangelical Lutheran Church/TELC govern the said Society. There were some disputes arisen between the Bishop of Tamil Evangelical Lutheran Church/TELC and the members of the Church Council and in this regard, some cases were filed against each others. Further, in such circumstances, initially Hon'ble Mr.Justice Venkataraman.J, was appointed as an Administrator to administer the affairs of the Tamil Evangelical Lutheran Church/TELC and also to conduct the elections for the 13 Bishop Tranquobar of Tamil Evangelical Lutheran Church/TELC and Members of Church Councils for the Triennium for the respective period.

4. He would further submit that there are 11 District under the jurisdiction of the first respondent Church Council. He is the member of the Melamaiyoor branch Church which is within the Chengalpattu Pastorate, Villupuram District. He would further submit that there are 5 branches are in existence in the said Chengalpattu Pastorate namely:

(1) Chengalpattu (2) Melamaiyoor (3) Thirumeni (4) Amrithapallam and (5) Appur.



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5. In the above said circumstances, due to administrative reasons, the Hon'ble Administrator has appointed a 10- members Advisory Committee for Chengalpattu Pastorate vide proceedings, dated 20.07.2018 issued by the Hon'ble Former Administrator. The petitioner is the one of the Advisory Committee Members in the above said committee. It is pertinent to mention that one Rev.John, who is a pastor of Villuppuram was appointed as Advisory Committee Chairman of Chengalpattu Pastorate and he was also requested to coordinate with the newly appointed 10 member Advisory Committee.

6. He would further submit that as matters stood thus, the Bishop/President of Tamil Evangelical Lutheran Church/TELC has sent a communication, dated 19.10.2020 which was addressed to all the authorities/Church councils more fully with regard to conduct of Pastorate Conference for elections to PC, DC and SEC for Chengalpattu Pastorate for the TRIENNIUM 2022. By the above said communication, it was informed that as per the Advisory Committee Resolution minutes and jurisdiction plan for the Bifurcation of Chengalpattu-Melmaiyoor Pastorate dated 27.08.2018 which was allegedly approved by the former Hon'ble Administrator on 01.08.2018.



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7. Even though, the alleged resolution was passed on 29.07.2018 that was approved by Administrator of TELC on 01.08.2018 the Administrator has no power to approve any bifurcation of the Pastorates only the Church Council is empowered for ordering any bifurcation of the Pastorates. Without advertent to the above stated above, the fourth respondent has no power to publish the temporary contesting candidates list as well as temporary voters list as per the ensuing election to be held on 06.11.2022. Hence, the petitioner has filed the present writ petition for the above stated relief.

8. The learned counsel appearing for the respondents 1 & 2 would submit that the Melamaiyoor, Thirumeni and Amrithapallam are bifurcated at Melamaiyoor Pastorate. For Melamaiyoor Pastorate, they will issue separate notification for conducting election in future after verifying the eligibility criteria and the same will be informed to the petitioner. Accordingly, the Hon'ble Judge Administrator N.Paul Vasanthakumar may issue notification for future election for Melamaiyoor Pastorate separately.

9. This petitioner has nothing to do with the Chengalpattu Pastorate. Only to solve the problem regarding the apprehension made by the petitioner



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whether he belongs to the Chengalpattu pastorate or Melamaiyoor Pastorate
and the same is redressed that he belongs to Melamaiyoor Pastorate.

10. Recording the submission made by the learned counsel appearing for the respondents 1 & 2, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

04.11.2022

Index : Yes/No
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To

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Office of District Registrar,
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V.BHAVANI SUBBAROYAN, J.

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