



W.P.No.1311 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.1311 of 2023

and

Writ Miscellaneous petition No.1360 of 2023

1. E.B.Williams

2. S.Christopher Emmanuel

... Petitioners

Versus

1. The District Collector,
Chennai District.

2. The District Registrar,
Chennai Central-Royapettah
Chennai – 600 014.

3. Church at Jehovah – Shammah Society
Represented by its Secretary,
No.4, Ritherdon Road III Lane (Church Lane),
Vepery, Chennai 600 007.

4. K.Jagaraj

5. K.David

6. G.A.Wesley Samuel

7. Ebbez Nathaniel

8. Joshua Prasad

... Respondents



W.P.No.1311 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation of the 1st petitioner along with Mr.A.Rajakumar, dated 22.08.2022 and recognize the Elders-cum-Office Bearers having Mr.A.Rajakumar as the Elder-cum-Secretary and accept the Form VII under the Tamil Nadu Societies Registration Act, 1975 filed by them in respect of the 3rd respondent Society the Church at Jehovah Shammah (Reg.No.54 of 1958) having office at No.4, Ritherdon Road, 3rd Lane, (Church Lane) Vepery, Chennai – 600 007.

For Petitioner : Mr.M.Ramamoorthy
For R1 & R2 : Mrs.P.Rajajareswari,
Government Advocate
For R3 : No appearance
For R4 to R8 : Mr.K.Gajendiran

ORDER

The Writ Petition has been filed in the nature of a Writ of Mandamus seeking a direction to the 2nd respondent to consider the representation of the 1st petitioner along with another individual who is not a petitioner before this Court, which representation was dated 22.08.2022 and therefore, recognize, the said individual who is not a party to the present Writ Petition as the Elder-cum-Secretary and accept



W.P.No.1311 of 2023

Form-7 under the Tamil Nadu Societies Registration Act, 1975 filed by the petitioner and the said individual who to be stated again, is not a party to the present Writ Petition.

2. I am not sure as to how the petitioner can canvas the case of an individual who is not at all a party either as petitioner or as respondent in the present Writ Petition.

3. If at all, that particular individual has any grievances, he will have approach a Court of Law. He cannot hide behind the 1st petitioner. I do not know why the 1st petitioner has also impleaded the 2nd petitioner, another individual who had not signed that particular representation.

4. The representation is based on an order passed in I.A.No.2/221 in O.S.No.5284/2021, dated 04.12.2021, passed by the XV Assistant City Civil Judge at Chennai.

5. At any rate, it is only an order in the interlocutory application. The suit had not yet been decided. There has been no trial. There has



W.P.No.1311 of 2023

been no adjudication of the admissibility of the documents filed and no adjudication of the relevancy of the documents and no adjudication whether the documents have been proved in manner known to law.

6. A mere observation in an order by the learned Assistant Judge, will not give rise to a cause to give a representation and for this Court to issue a mandamus on the basis of such representation. The suit will have to go through its normal course and after the Civil litigation comes to a finality, then the parties to the civil litigation can agitate their further rights. But they cannot certainly agitate any right on the basis of any Interlocutory Order.

7. The Writ Petition stands dismissed. No order as to costs. Consequently, the connected miscellaneous petition stands closed.

20.01.2023
(1/2)

ssi
Index : Yes/No
Internet : Yes/No
Neutral Citation Case: Yes/No

To:



W.P.No.1311 of 2023

WEB COPY

1. The Secretary to Government (Education),
O/o. Chief Secretariat, Government of Puducherry,
Beach Road, Puducherry.
2. Secretary to Government (Homes),
O/o. Ministry of Home Affairs, Government of India,
Parliamentary House, New Delhi.
3. The Secretary, University Grand Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.
4. Government of Puducherry,
Rep by its Secretary,
Directorate of Higher and Technical Education,
Tholkappian Main Road, Government Quarters,
Lawpet, Puducherry – 605 008.

C. V. KARTHIKEYAN, J.



WEB COPY



W.P.No.1311 of 2023

ssi

W.P.No.1311 of 2023

20.01.2023
(1/2)