



W.A.(MD).Nos.19, 24 to 29 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.12.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)Nos.19, 24 to 29 of 2023

and

C.M.P.(MD)Nos.316, 319, 321, 324 & 326 of 2023

W.A.(MD)No.19 of 2023

Padmini David

.. Appellant

Vs.

1.S.Arul Elisa Charles

2.The Regional Director,
O/o. Regional Director Southern Region,
Chennai, Ministry of Corporate Affairs,
Government of India, 5th Floor, A Wing,
Shastri Bhavan, 26, Hadows Road,
Chennai-6.

3.The Registrar,
O/o. The Registrar of Companies,
Tamil Nadu, Chennai,
2nd Floor, Shastri Bhavan,
26, Hadows Road, Chennai-6.



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4.The Directorate of Collegiate Education,
EVK Sampath Building, 9th Floor, Chennai-6.

5.The Director of School Education,
College Road, Chennai-6.

6.The Director of Elementary Education,
College Road, Chennai-6.

7.Church of South India Trust Association (CSI TA),
Rep. by its Treasurer,
5, Whites Road, Royapettah,
Chennai-14.

8.Church of South India (CSI),
Rep. by its Moderator,
CSI Synod Secretariat, 5, Whites Road,
Royapettah, Chennai-14.

9.The General Secretary,
Church of South India (CSI),
CSI Synod Secretariat,
5, Whites Road, Royapettah, Chennai-14.

10.Church of South India,
Madurai-Ramnad Diocese,
Rep. by its Bishop / Chairman,
No.162, Eastveli Street, Madurai-625 001.

11.The Secretaries, Church of South India,
Madurai-Ramnad,
No.162, Eastveli Street, Madurai-625 001.

12.Rev.B.F.B.Rusevelt

13.Rev.T.Samuel R.V.Singh

14.Rev.I.Jesler Roy

15.Rev.J.C.Ravichandran



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- 16.Rev.S.Davidson Paul Jacob
17.Rev.S.Sam Britto Francis
18.I.Johnson
19.C.Fernandaz Rathina Raja
20.J.Josephin Sofia
21.J.Paulous Jeyakumar
22.R.Mangala Devaraj
23.N.Sam Jeyapaul
24.P.Sumathi
25.P.Sam Sunil
26.Mary Jeysing

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 05.01.2023 made in W.P.(MD).No.25891 of 2022 on the file of this Court.

For Appellant : Mr.M.Ajmal Khan, Senior Counsel
for Mr.V.George Raja
For R1 : Mr.Sricharan Rangarajan, Senior Counsel
For Mr.T.Pon Ramkumar
For R2 & R3 : Mr.K.R.Laxman
For R4 to R6 : Mr.D.Sadiq Raja,
Additional Government Pleader
For R10 & R11 : Ms.H.Jasima Yasmin

COMMON JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM,J.***)

These Writ Appeals have been instituted against the common order dated 05.01.2023 made in W.P.(MD)Nos.25891 & 25037 of 2022.



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2.Mr.M.Ajmal Khan, learned Senior Counsel appearing for the appellants mainly contended that the learned Single Judge relegated the parties to approach the authorities to resolve the election disputes. However, the observations made in the order impugned would cause prejudice to the interest of the parties since the observations are in favour of other parties / writ petitioners.

3.Mr.Sricharan Rangarajan, learned Senior Counsel appearing for the 1st respondent / Arul Elisa Charles would submit that serious allegations are raised against Office Bearers of Diocese and enquiry commenced with reference to the allegations of misappropriation is pending for several years.

4.We are of the considered opinion that such disputed facts cannot be adjudicated in a Writ proceedings under Article 226 of Constitution of India. High Court cannot conduct rowing enquiry in the matter of election disputes, which are all adjudicated before the competent civil Court of law based on the documents and evidences available on record. Therefore, we are in agreement with the learned Single Judge that the parties have to approach the civil Court and accordingly, we are inclined to relegate the parties to approach the civil Court or competent authority as the case may be to resolve the election disputes. However,



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enquiry proceedings already initiated with reference to File No.07/131/2011/CL-II(SR), dated 07.05.2018, must be completed within a period of three months from the date of receipt of a copy of this order.

5.The persons, who have involved in the serious allegations and misappropriation of fund cannot be allowed to escape from the clutches of the proceedings and therefore, we direct the respondents 2 and 3 / Regional Director, Southern Region, Chennai, Government of India and Registrar of Companies, Tamil Nadu, Chennai to complete the enquiry proceedings within a period of three months from the date of receipt of a copy of this order.

6.The parties are also directed to co-operate for the early disposal of the enquiry proceedings. After disposal of the enquiry proceedings into the allegations and misappropriation of funds, the parties are at liberty to approach the civil Court or the competent authority as the case may be for the purpose of resolving the election disputes between them. In the event of instituting any civil suit before the competent civil Court, the issues relating to the election or otherwise are to be decided uninfluenced by the findings made in the order impugned passed by the learned Single Judge in the Writ proceedings.



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7. With these directions, these Writ Appeals are disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) & (V.L.N.,J.)

11.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

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S.M.SUBRAMANIAM,J.

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