



W.P(MD)No.12151 of 2021 &
CONT.P(MD)No.1329 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)No.12151 of 2021 &
W.M.P(MD)No.9569 of 2021
and
CONT.P(MD)No.1329 of 2021**

Selvakumar

... Petitioner

-VS-

1. State of Tamil Nadu,
Through its Chief Secretary to Government,
Secretariat,
Fort St.George,
Chennai-9.

2. The District Collector,
Kanniyakumari District
at Nagercoil.

3. Church of South India Trust Association,
CIN No.U93090TN1947NPL000346
No.5, Whites Road,
Royapettah,
Chennai-14.

4. The Church of South India,
No.5, Whites Road,
Royapettah,
Chennai-14.



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5. CSI Kanniyakumari Diocese,
Through its Bishop,
71-A, Dennis Street,
Nagercoil-1,
Kanniyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate disciplinary actions against the Government Servants working in various Government Departments, Government Schools, Cooperative Departments and other aided schools excepting CSI getting salary from the Government Exchequer contesting election and holding posts in respondents 3 to 5 based the petitioner's representation dated 7.6.2021.

For Petitioner	: No appearance
For R1 & R2	: Mr.P.Thilakkumar, Government Pleader
For R3 & R4	: No appearance
For R5	: Mr.Isaac Mohanlal, Senior Counsel for Mr.F.Deepak

CONT.P(MD)No.1329 of 2021:-

Selvakumar

... Petitioner

VS.

Mr.M.Aravind, IAS,
The District Collector,
Kanniyakumari District.
At Nagercoil.

... Respondent



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PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent herein for wilfully and deliberately committing contempt of court by disobeying the order of this Court passed in W.M.P(MD)No.9569 of 2021 in W.P(MD)No. 12151 of 2021, dated 20.07.2021.

For Petitioner : No appearance
For Respondent : Mr.P.Thilakkumar, Government Pleader

COMMON ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate disciplinary action against the Government Servants working in various Government Departments, Government Schools, Cooperative Departments and other aided schools excepting CSI getting salary from the Government Exchequer contesting election and holding posts in respondents 3 to 5 based on the petitioner's representation dated 07.06.2021.



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2. Alleging disobedience of the order made in W.M.P(MD)No. 9569 of 2021 in W.P(MD)No.12151 of 2021, dated 20.07.2021, the contempt petition is filed.

3. This Court finds that the prayer in the writ petition does not go well with the statements contained in the pleadings. While the petitioner seeks a direction in respect of all Government Servants working in various Government Departments, Government Schools, Co-operative Departments and other aided schools excepting CSI, restraining them from contesting for posts in C.S.I Diocese, the allegations are made only against the respondents 3 to 5 about the affairs in relation to CSI. Therefore, this writ petition is primarily filed against persons who are not made as parties. It is also stated that writ petitions with similar prayer in W.P(MD)Nos. 10132 of 2015, 9860 of 2018 & 18943 of 2020 were dismissed by a Division Bench of this Court by a common judgment dated 29.10.2021 and that the SLP filed against the said order was also dismissed confirming the aforesaid judgment of the Division Bench.



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4. Therefore, the Writ Petition is devoid of any merits and hence it is dismissed. No costs. Connected miscellaneous petition is closed. In view of the dismissal of the writ petition, the contempt petition is also dismissed.

**[S.S.S.R, J.] [D.B.C., J.]
18.07.2023**

Index : Yes / No
Neutral Citation : Yes / No
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To

1. State of Tamil Nadu,
Through its Chief Secretary to Government,
Secretariat,
Fort St.George,
Chennai-9.

2. The District Collector,
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at Nagercoil.



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S.S.SUNDAR, J.
and
D.BHARATHA CHAKRAVARTHY, J.

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