



W.P.(MD) No.22555 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2023

CORAM:

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

W.P.(MD) No.22555 of 2023

Masilamani

... Petitioner

-VS-

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 3.The District Revenue Officer,
District Revenue Office,
Tirunelveli District.
- 4.The District Social Welfare Officer,
Tirunelveli District,
Tirunelveli.
- 5.The District Minority Welfare Officer,
Tirunelveli District,
Tirunelveli.



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- 6.The Sub Collector/Revenue Divisional Officer,
Revenue Divisional Office,
Cheranmahadevi,
Tirunelveli District.
- 7.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.
- 8.The Deputy Superintendent of Police,
Nanguneri Division,
Tirunelveli District.
- 9.The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
- 10.The Pastrate Chairman,
CSI Church,
Idayankulam Church,
Nanguneri,
Tirunelveli District.
- 11.The Human Rights Commission,
143, PS Kumarasamy Raja Salai,
(Greenways Road),
Chennai – 600 028.
- 12.Charlin(Chairman),
CSI Church,
Idayankulam Church,
Nanguneri,
Tirunelveli District.
- 13.Amstrong (Member),
CSI Church,
Idayankulam Church,
Nanguneri,
Tirunelveli District.



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14.Mangalraj (Secretary),
CSI Church,
Idayankulam Church,
Nanguneri,
Tirunelveli District.

15.Pandiyar(DC),
CSI Church,
Idayankulam Church,
Nanguneri,
Tirunelveli District.

16.Thangaiya Premkumar (Member),
CSI Church,
Idayankulam Church,
Nanguneri,
Tirunelveli District.

17.Pelicks (Treasurer / Government Aided Teacher),
CSI Church,
Idayankulam Church,
Nanguneri,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents 1 to 11 to take action against the Respondents 12 to 17 for preventing the Petitioner and his family members from worshiping the CSI Church, Idayankulam Church, Nanguneri, Tirunelveli and consequently to ensure the participation of the petitioner by collecting subscription in the temple festival.

For Petitioner : Mr.J.David Ganesh



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For Respondents : Mr.D.Sachi Kumar
Additional Government Pleader
for R1, R3 to R7
Mr.M.Veeranthiran
Government Advocate for R2, R8 & R9

ORDER

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

Mr.D.Sachi Kumar, learned Additional Government Pleader, takes notice for the respondents 1, 3 to 7 and Mr.M.Veeranthiran, learned Government Advocate, takes notice for the respondents 2, 8 & 9.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. The above Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents 1 to 11 to take action against respondents 12 to 17 for preventing the petitioner and his family members from worshipping the C.S.I. Church in Idayankulam, Nanguneri, Tirunelveli District.



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4. The case of the petitioner is that the petitioner is residing at Church Street, in Idayankulam Village, Nanguneri Taluk and is one of the members of the CSI Church, which belongs to Tirunelveli Diocese. It is the case of the petitioner that the respondents 12 to 17 are the elected members holding various positions in the Church. Referring to some internal issues between the petitioner and the elected office bearers of the Church, the case of the petitioner is that he was against the proposal to demolish and reconstruct the Church. It is further stated that the petitioner's father was forced to give a police complaint against some of the private respondents complaining offences under Sections 147, 294(b), 341 and 506(1) I.P.C. The petitioner also appeared to have filed a suit in O.S.No.122 of 2021 on the file of the District Munsif Court, Nanguneri as against the respondents 13 to 16 and against the defendants for mandatory injunction to appoint receiver and to submit the account details of the construction process and other expenditures spent at the said Church. It is stated by the petitioner that the said suit was instituted as a representative capacity as per Order I Rule 8 C.P.C. It is the case of the petitioner that on account of serious allegations made against the respondents 12 to 17 for misusing the administrative power, the private respondents have refused to receive the subscription from the petitioner with effect from 2020. It is the specific case of the petitioner that the respondents 12 to 17 by refusing



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to receive the subscription have ex-communicated the petitioner from the Church and it is in clear violation of the fundamental rights guaranteed to the petitioner.

5. This Court is unable to entertain the Writ Petition on two grounds. First of all the Church is a religious institution of a minority, which enjoys certain privileges and protection under our Constitution. Even though the petitioner has made some allegations as if he has been ex-communicated, the petitioner cannot use the expression “ex-communication” merely because the members of the Church have refused to collect subscription from him. If he is not permitted to go into the Church, it is open to him to file a Civil Suit if it infringes his personal right as a member of a particular Church. He cannot enforce this right by filing Writ Petition, seeking relief against the CSI Church, which is not otherwise amenable to the jurisdiction of this Court under Article 226 of the Constitution. Even accepting the case of the petitioner, this is only a case, where the petitioner is removed from the membership of the religious institution probably on account of some issues which has to be resolved through civil Court. The petitioner has an effective alternative remedy of approaching the Civil Court to redress his grievance. There is no statute by which the official respondents could take



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or initiate action on the basis of the allegations / complaint made by the petitioner in the Writ Petition. The petitioner has not referred to any other constitutional or statutory provisions under which this Court can grant relief to the petitioner.

6. Therefore, this Petition is dismissed with the liberty given to the petitioner to approach the civil Court for appropriate reliefs. No costs.

[S.S.S.R., J.]

[D.B.C., J.]

15.09.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

SJ

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