



W.P(MD)No.29063 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.29063 of 2022

and

W.M.P(MD)Nos.23041, 23043 & 23044 of 2022

Christopher Jeyakumar

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.Church of South India,
Represented by its Moderator,
No.5, Whites Road,
Royapettah,
Chennai-14.

3.CSI Thoothukudi Nazareth Diocese,
Represented by its Financial Administrator,
Caldwell School Campus,
Thoothukudi.

4.Rev.Yesudian,
The Priest,
Church of South India,
Mudalur-628 702,
Thoothukudi District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the third respondent in his proceedings Nil, dated 04.08.2022 and consequently directing the third and fourth respondents to grant all church rights to the petitioner and his family members in St. Michael and All Angels Church, Mudalur.

For Petitioner : Mr.TA.Ebenezer

For R-1 : Mr.M.Siddharthan
Additional Government Pleader

For R-2 : Tapal due

For R-3 & R-4 : Mr.G.Prabhu Rajadurai

ORDER

Heard the learned Counsel on either side.

2. The writ petitioner's son Mr.Abishek proposes to marry Ms.Roja. The petitioner wants the said marriage to be solemnized in the petition mentioned Church on 23.01.2023. The petitioner apprehends that impediments may be caused on account of the dispute raised by the petitioner as regards the character of the Church.

3. Notice was issued and the third and fourth respondents have filed a counter affidavit. Paragraph No.15 of the said counter affidavit is extracted as follows:



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"15. It is not even necessary for the petitioner to be a member of the respondent Diocese for his son to get married in our Church. However, it is necessary for his son to be a member of our Diocese and that his son to declare his allegiance to our Diocese and to get his marriage performed in any of the Churches administered by the Diocese. Similarly, the bride also has to express her allegiance to our Diocese. It is enough that for the marriage to be performed on 23.01.2023, the banns would be read on 15.01.2023 and 22.01.2023. If the bride and bridegroom make a declaration that they subscribe to the Thoothukudi Nazareth Diocese as well as CSI and showing allegiance by way of declaration, we have no objection for their marriage to be performed in any of the Churches in our Diocese."

4. In view of the stand taken by the contesting respondents, it is not necessary for me to go into the other issues raised by the writ petitioner. The petitioner further states that the bride as well as the bridegroom (petitioner's son) will express their allegiance to the CSI, Thoothukudi Nazareth Diocese. They may have to affix the signature also in the relevant records. The third and fourth respondents will ensure that the marriage is solemnized as fixed by the parties. I expect the petitioner to extend his fullest co-operation for the smooth solemnisation of the event. The other issues are left open and it is open to the



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petitioner to file an independent petition over the other cause of actions. This writ petition stands disposed of on these terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

12.01.2023

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

Note: Issue order copy on 12.01.2023.

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
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