



A.No.5391 of 2024
in C.S.No.225 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 25.11.2024	Pronounced On: 11.12.2024
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CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

A.No.5391 of 2024

in

C.S.No. 225 of 2024

Rev.Dr.A.R.Chelliah

Bishop-In-Charge, The CSI Thoothukudi - Nazareth Diocese,

100, Beach Road, Caldwell School Campus,

Thoothukudi - 628 001.

.... Applicant/3rd Respondent

Vs

1.D.Neegar Prince Giftson,

Lay-Secretary. The CSI Thoothukudi - Nazareth Diocese,

100, Beach Road, Caldwell School Campus,

Thoothukudi - 628 001.

2. Rev.V.M.S.Tamil Selvan,

Vice Chairman, CSI Thoothukudi - Nazareth Diocese,

100, Beach Road, Caldwell School Campus, Thoothukudi - 628 001

3.Church Of South India,

Represented By Its General Secretary, CSI Synod Secretariat, CSI Centre,

No.5, Whites Road, Royapettah, Chennai - 600 014.

4.The Administrators,

Church Of South India, CSI Synod Secretariat, CSI Centre,

No.5, Whites Road, Royapettah, Chennai - 600 014.

... Respondents 3 & 4/Respondents 1 & 2



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For Applicant (s):

Mr.Raghavachari, Senior Counsel
for Kingsly Solomon. J

For Respondent(s):

Mr.A.K.Sriram, Senior Counsel,
for Mr.A.M.Packianathan Easter

ORDER

C.S.No.225 of 2024: The suit for declaration and injunction is by the Lay Secretary and Vice-Chairman of CSI – Thoothukodi Nazareth Diocese (hereinafter called as: CSI-TND) to declare communications dated 30/4/2024, 03/05/2024 and 22/05/2024 by the 2nd defendant as null and void and to grant permanent injunction restraining him from interfering their functioning as office bearers of CSI-TND.

2. O.A.No.688 of 2024 is filed to grant an ad-interim injunction restraining the 2nd and 3rd defendants and their representative or claiming through them from interfering with the functioning of the duly elected office bearers of the CSI Thoothukudi-Nazareth Diocese pending the disposal of the



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3. Application No.5391 of 2024 is filed by 3rd defendant to vacate the order of interim injunction granted by this Court in O.A.No.688 of 2024 in C.S.No.225 of 2024.

4. Plaint averments:

The case of the plaintiffs in short is that, the Executive and Diocesan Council election for CSI-TND held on 20/10/2021 and they were duly elected to the respective post. They assumed office immediately. As per the Constitution of CSI, their term of office is 3 years. However, the Administrative Committee headed by the then Bishop of CSI –TND cancelled the election *vide* his order dated 21/10/2021 citing irregularities in the election process. The said order of the Bishop was annulled by the Moderator of CSI on 28/10/2021. The order of the Moderator annulling the order of the Bishop and restoring the Executive and Diocesan Council of CSI-TND back in office was challenged in C.S.No.336/2021. In that suit, the High Court granted injunction restraining the office bearers of the TND Council from acting as the office



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bearers. The interim order of injunction was taken up on intra court appeal in O.S.A.Nos.120, 122, 124 and 125 of 2022. These Appeals were allowed on 08/08/2022, thereby, the plaintiffs and others resumed office on 08/08/2022. The S.L.P filed before Hon'ble Supreme Court challenging the order in the above mentioned OSA's later got dismissed.

5. According to the plaintiffs, they were duly elected as Office Bearers of CSI TND on 20.10.2021, however in view of the intervening litigation, they effectively assumed office only on 08.08.2022. The term of their office being 3 years as per Chapter VII, Rule 12 A of CSI Constitution, their term comes to an end only by 07.08.2025. While so, the Administrator appointed by the High Court in its meeting dated 30.04.2024, appointed Rt.Rev.Dr.A.R.Chelliah (3rd defendant) the Bishop of Kanniyakumari Diocese as in-charge Bishop for Thoothukudi Nazareth Diocese (TND) on the premise that the 3 years tenure of the CSI TND Diocesan Council comes to an end on 25.05.2024. The 3rd defendant took charge on 15.05.2024. The Administrator in the place of elected Council appointed an Election Officer to conduct TND council election and appointed a committee of Administrators consisting of 15 members on 22.05.2024 to take charge from the Bishop-in-charge (3rd



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defendant) and report. Meanwhile, the appointment of Administrator for CSI Synod was challenged before the Hon'ble Supreme Court. The Hon'ble Supreme Court directed the Administrators appointed by the High Court *vide* its impugned order dated 12.04.2024, shall not take any decision either with regard to the holding election or administration of CSI and CSI Trust Association till next hearing date. On receipt of the letter informing about the direction of the Hon'ble Supreme Court, the High Court appointed Administrator had communicated the Bishop/Bishop-in-charge to ensure the committee of Administrators, if already appointed, desist from discharging any duty assigned to their posts. The Bishop/Bishop-in-charge were asked to discharge the duties until further orders.

6. The grievance of the plaintiffs are two fold:-

i). The tenure of their office not expired on 25.05.2024 as mentioned by the Administrator in his letter dated 30.04.2024 and the follow up communications dated 17.05.2024 and 22.05.2024. In fact, the 3 years term commenced only on 08.08.2022 after the appeals filed by the office bearers allowed in the batch of O.S.A Nos.120, 122, 124 and 125 of 2022 on 08.08.2022. Therefore, their term of office ends only on 07.08.2025. This



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factual position been affirmed by this Court in the interim order passed on 25.05.2024 in W.M.P.No.15116 of 2024 in W.P.No.13921/2024. Though, the W.P was later dismissed on 13.09.2024 as not maintainable, the observation of the Learned Single Judge that the expression 3 years occurring in Rule 12 A of the CSI Constitution would mean 3 years and it cannot suffer any reduction.

ii). The appointment of Administrators for CSI Synod is under challenge in SLP. Pending disposal, the Administrators are directed not to hold election or take decision regarding administration of CSI and CSI Trust Association. Therefore, the election process which is set in motion by the Election Officer appointed by the Administrator cannot proceed. The Administrator himself had instructed Bishop/Bishop-in-charge to take back the Administrator of Diocese from the committee of Administrator.

7. The plaintiffs contention is that, CSI Synod is the Supreme Body. Under the Synod, there are 24 dioceses. The Synod and the Dioceses have separate Constitution. As far as CSI TND is concern, the 3rd respondent Rev.A.R.Chelliah was appointed as Bishop-in-charge by the Administrators on the assumption that the period of Diocesan Council expires on 25th May 2024.



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Stating the diocese had not taken steps to conduct election six months prior to the expiry of the term so the present council shall not proceed with any election, pursuant to the resolution passed by the Executive Committee. To conduct the election a Retired District Judge was appointed by the Administrator. The CSI TND has its own Constitution. It is an independent body, governed by separate bye-laws. Under Chapter I Rule 10 of the constitution of CSI TND, the Election process for the Executive Council of CSI TND shall commence only after 23 months of the present Council Election date and not beyond 49 months from that date.

8. The administrator was appointed in a scheme suit. The General Secretary of C.S.I Synod and four other dioceses alone are parties in the said suit. C.S.I TND is not a party to that suit. However, after appointment of administrator by the High Court, the Office Bearers of CSI-TND were instructed to refrain from taking any administrative decisions and the same was reiterated during the meeting held on 30.04.2024 at CSI Synod.

9. The declaration of the Administrator that the tenure of the elected Office Bearers of CSI TND would end on 25.05.2024 is without any



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basis. After the suspension of the Bishop of CSI TND, a Moderator Commissary Rt.Rev.Joseph was appointed on 20.04.2022 to administer the functions of the diocese. After the retirement of Rt.Rev.Joseph, Rt.Rev.Timothy Ravinder was appointed as Moderator Commissary on 17.06.2022. There is no position of Bishop-in-charge in the C.S.I constitution. Therefore, the appointment of 3rd defendant/Dr.A.R.Chelliah as Bishop-in-charge, replacing the Moderator Commissary *vide* order dated 03.05.2024 is arbitrary and contrary to the spirit of C.S.I Constitution.

10. Counter by the respondents

This Court, on 03.10.2024, granted an interim injunction for a period of two weeks and directed the Administrator to furnish the documents connected to the proceedings of the Administrator dated 30.04.2024. The interim order been extended time to time. To vacate the interim order, the 3rd defendant has filed Application No.5391 of 2024. In his application, to vacate the stay, the Bishop-in-charge had stated that the election for diocesan council members is conducted once in every three years as per the Constitution of CSI TND.



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11. Under Chapter VIII, Rule 12A of CSI Constitution, as amended in the year 2015, it is specifically stated that the term of the Diocesan Council shall be for three years. If, for any reason, the convening of the Council after fresh elections is delayed, such delay shall not prolong the life of the Council beyond the time stipulated in the Constitution, subject to Clause (c) under this Rule. The new Council shall function only for the remainder of the term. Post amendment to the said Rule, the term of the Diocesan Council ended on 25.04.2018 and 25.05.2021. The extension of Council term beyond the period was never granted. In fact, the Constitution of CSI TND does not specify the tenure of the Council and it follows the terms as specified in the Constitution of CSI Synod, which is the supreme Governing Body of the Church of South India, which controls 24 Dioceses in which, Thoothukudi Nazareth Dioceses (CSI-TND) is one among them. The elections were conducted at the end of three years period from the date of election, after granting three months grace period if required. Till the election for the Council got completed, Administrative Committee appointed to manage the affairs of the dioceses.



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12. Therefore, following the past convention, the Administrator appointed by the High Court proceeded with the election process. For the interregnum period, till the elected body assumes office, Committee of Administrators consisting of 15 members were appointed. In fact, the Executive Council of the CSI TND itself reported about their action for setting the election process in motion, knowing well that tenure of the body elected on 20.10.2021 was likely to expire. The plaintiffs soon after the election on 20.10.2024 assumed office only thereafter, due to chaotic circumstances surrounding the election, their election was cancelled, which was subject matter of C.S.No.336 of 2021 which culminated in an order passed in a batch of O.S.A, dated 08.08.2022 permitting them to resume office.

13. The election process for the Executive Council CSI TND was finalized in consultation with the 2nd plaintiff, who was present at the meeting dated 30.04.2024. Therefore, he cannot turn around and say that the period of his tenure not expired under C.S.I Synod Constitution. Rule contemplates the process for election of Executive Committee shall commence atleast six months prior to the expiry of the term of the Council. In case, new council cannot be convened within three months from the expiry of the term of the old council,



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the Synod shall take steps for the proper administration of the diocese.

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14. Under the CSI Constitution, Moderate Commissary is not authorized to perform the duties of the Bishop. He is authorized to perform ministerial duties only and not the administrative functions. Rt.Rev.Joseph and Rt.Rev.Timothy Ravinder were not Bishops appointed to CSI TND, they served as Moderate Commissaries from 06.09.2023 to 12.04.2024. Rt.Rev.Reuben Mark was the Bishop of CSI TND. On his retirement, the post fell vacant, hence the administrator appointed Rt.Rev.A.R.Chelliah/3rd defendant) as Bishop-in-charge of CSI TND. As per the CSI Constitution, whenever the Bishopric of diocese falls vacant, the moderator will be in-charge Bishop.

15. As far as CSI TND is concerned, the post of moderator had already fallen vacant as per the order of the High Court of Madras, dated 12.04.2024. The Division Bench of the High Court appointed an Administrator, taking note of the fact that the scheme suit had been filed in view of conflicting interest among the stakeholders. The terms of office for both the Synod as well as Diocesan Council was nearing the end, so the Administrator requested the Administrative Committee to ensure elections for



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all the Diocesan Councils conducted and the representative of the Synod elected by the representative Diocesan Councils. The Administrative Committee were requested to convene a Special Meeting of the Synod at the earliest possible opportunity to elect new office bearers of the Synod.

16. On the mandate issued by the Hon'ble High Court, the Administrators proceeded with the appointment of an Election Officer and Bishop-in-charge, followed by constituting a Committee of Administrators as an interim measure, till the newly elected Executive Council assumes office. However, in view of the interim order passed by the Hon'ble Supreme Court, the Committee of Administrators appointed by the Administrator *vide* order dated 22.05.2024 had not assumed office. The Bishop-in-charge asked to continue his duties discharging the functions of Bishop as per the Constitution of Synod and Dioceses. Therefore, by the interim order an extended period of office to the plaintiff/applicant is granted, which is contrary to the spirit of CSI Synod Constitution.

17. Considered the rival submissions, Pleading and connected documents perused.



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18. The plaintiffs were elected to the respective office pursuant to the 12th Diocesan Council meeting resolution dated 20.09.2021. In the said meeting, election for the diocesan was conducted. In the minutes of the meeting, the election of 2nd plaintiff/Rev.V.M.S.Tamil Selvan as Vice President and the 1st plaintiff/D.Neegar Prince Giftson as Lay Secretary is recorded. As pointed out by the Learned Counsel for the 3rd defendant, though CSI TND has its own Constitution, the tenure of the office bearers is not specifically mentioned in its constitution, except under Chapter I, Rule-10, which speaks about the commencement of election process. Therefore, for the purpose of determining the tenure of the office, the parties invariable and consciously rely only upon the Constitution of the Church of South India (Synod).

19. Chapter VIII, Rule (1) of the CSI Constitution deals with Diocesan Councils. It says that each Diocese shall be under the charge of a Bishop and administered through a Diocesan Council within the framework of the Constitution of the Church of South India. Thus, for all purposes, the Diocesan Council expected to functions within the framework of the Constitution of Church of South India, even if each of the dioceses have their own constitution. Further, under the same Chapter, Rule (3) permits diocesan



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to have their own constitution but shall be in conformity with Chapter IV, Rule (4) deals about qualification and method of election or nomination of the lay representative. Here again, the Supremacy of Constitution of CSI been reiterated. In the said circumstances, Rule 12A, which was introduced by way of amendment in the year 2015, gains significance. No member of the Church can make a claim that the Constitution of their Diocese will prevail over the Constitution of CSI. More particularly, in respect of election or nomination of lay representatives.

20. For convenience and easy reference, the amended Rule 12A reads as below:

“12. A) The term of the Diocesan Council shall be three years. The Diocesan Constitution shall also state the month in which the term of the Council would normally begin, so that elections to the Diocesan Councils from the pastorates and other constituencies can be arranged accordingly. If for any reason the convening of the Council after fresh elections is delayed, such delay shall not prolong the life of the Council beyond the time stipulated in the constitution, subject to Clause (c) under this rule. The new Council shall function only for the remainder of the term (2015)”



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21. This amendment, which was brought in the year 2015 has significant meaning and reasons. The plaintiffs herein who were elected in their 12th Diocesan Council meeting have assumed office in terms of Rule 12A under Chapter VIII of CSI Constitution. As per the CSI Constitution, only after election for the Diocesan Council is completed, the election to the Office in the hierarchy upto Synod can be conducted and completed. Therefore, by virtue of this amendment, which was passed in the Special Session of the Synod and duly ratified by 2/3rd of the Dioceses and came into force with effect from 16.11.2015 cannot be misinterpreted. Any such misinterpretation or general interpretation ignoring special provisions in the Constitution will have cascading effect.

22. The plaintiffs, who were elected on 20.11.2021 and assumed office the next day can hold the office only till the expiry of three year period when the term of the Diocesan Council expires. The intervention in between and resuming office subsequently does not mean their term of office is reduced. The period they were restrained from holding office is by virtue of Court order.



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23. CSI TND constitution refers to the Diocesan Constitution in respect of month in which the term of the Council would normally begin.

Therefore, it is also necessary to refer the Constitution of CSI TND.

24. Chapter X of CSI TND constitution deals with the Election Rules. The 31st March has been fixed as the cut off date for the purpose of finalizing the eligible voters. In the instant case, the plaintiffs, soon after the election held on 20.10.2021 had assumed office. Their election was cancelled by the Bishop on 22.10.2021, but the same was annulled on 28.10.2021. This was challenged and the fairness in the election was the subject matter of C.S.No.336 of 2021.

25. Chapter I, Rule 10 of the CSI TND constitution states that the election process for the next council should commence after 23 months from the election date of the existing council and shall not go beyond 49 months. The election date for the 12th Diocesan Council was 20.10.2021. The three-year term expired on 19.10.2024. Therefore, in the month of April 2024, the 2nd plaintiff himself has informed the Court appointed Administrator that they have commenced election process. However, the Administrator had requested them



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not to proceed and appointed a retired District Judge to conduct the election.

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26. On a combined reading of Rule 12A of Chapter VIII of CSI Constitution and Rule 10 of Chapter I of the CSI TND Constitution, it is obvious the term of the plaintiffs' office cannot extend beyond 20.10.2024. In these circumstances, the injunction restraining the Administrator to give effect to the proposal of conducting elections or appointing a Committee of Administrators to manage the affairs of diocese cannot be faulted. The direction of the Hon'ble Supreme Court in SLP (C) Nos.9079 - 9081 of 2024 batch dated 22.05.2024 put to notice of the Learned Administrators by a Counsel in Delhi. Immediately, the Administrators have duly communicated to the Bishop-in-charge/3rd defendant/applicant in the vacate stay Application No.5391 of 2024 to re-assume charge from the Committee of Administrators and continue to discharge the duties in the place of Executive Council. The order of the Hon'ble Supreme Court dated 22.05.2024 reads as under:-

“Having regard to the facts and circumstances of the case and without expressing even any prima facie opinion on the merits of the cases, it is hereby directed that the Administrators appointed by the High Court vide



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its impugned order dated 12th April, 2024, shall not take any decision either with regard to the holding election or administration of the Church of South India (CSI) and the CSI Trust Association (CSI TA) till the next date of hearing.”

27. This order was subsequently extended and is still in force. This restrain order pertains to holding of elections or the Administration of Church of South India and Church of South India Trust Association. In reverence to the Hon'ble Supreme Court direction, the administrators have requested the Bishop-in-charge to take over the administration of the CSI TND dioceses. Citing the direction of the Hon'ble Supreme Court, the plaintiffs herein cannot have an extended period of term beyond three years from the date of election. Such claim is in total contravention of the Rule 12 A under Chapter VIII of CSI Synod. Therefore, the Bishop-in-charge/3rd defendant, who was appointed prior to the Hon'ble Supreme Court direction, is the appropriate person to administer the affairs of the dioceses on the expire of the tenure of the elected body in the 12th Diocesan Council of CSI-TND including the plaintiffs herein.



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28. For the reasons stated above, the Application No.5391 of 2024 to vacate the interim injunction is allowed. Accordingly, the Original Application No.688 of 2024 stands dismissed. No costs.

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Pre-delivery order made in
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