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O.A.No.783 of 2024

**O.A.No.783 of 2024
in
C.S.No.247 of 2024**

Dr.G.JAYACHANDRAN,J.

C.S.No.247 of 2024 is filed by the Reverend Soundara Pandian claiming as the Correspondent/Secretary of Sara Tucker College, Palayamkottai which is administered and managed by the Churches of South India (C.S.I), an autonomous body constituted by Union of Churches controlled by 24 diocese spreading over the length and breath of South India and the apex body of C.S.I is the Synod who is the first defendant in this Case. The administration of diocese under the Synod of C.S.I had suffered due to multiple litigations between the stakeholders who have control over the administration of the diocese property and management of the educational institutions under their control.

2. The present suit is also one of the several similar suits and litigations pending before this Court and the Apex Court. In view of the order passed by this Court, the Administrators appointed by this Court namely, two Retired Judges have taken charge to streamline the administration of the Mammoth Institution which holds property worth



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about several crores and also involves administration of educational institutes and hospitals. The appointment of the Administrator was challenged before the Hon'ble Supreme Court and the Hon'ble Supreme Court passed an interim order on 22.05.2024 which reads as follows:

“ 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 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 till the next date of hearing”.

3. According to the plaintiff in this case, he alleges that the third defendant who is the Bishop of C.S.I. Diocese of Tirunelveli wants to take over the entire diocese by bringing his own people as puppets in his hand to run the diocese in utter violation of Constitution of C.S.I. Hence, to protect his interest as a duly appointed Correspondent/Secretary of Sara Tucker College, Palayamkottai, he has filed a suit for injunction restraining the defendants from any way interfering with the plaintiff acting as a



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Correspondent/Secretary of Sara Tucker College, Palayamkottai till a valid election is conducted for the Tirunelveli diocese and suitable person is appointed for the post of Correspondent/Secretary to the Sara Tucker College, Palayamkottai.

4. Pending suit, the plaintiff has sought for an interim relief of ad-interim injunction akin to the main prayer. This Court before granting interim order, issued notice to the respondents. None of the respondents have filed their counter. However, when the matter was taken up for consideration on 04.11.2024, there was a representation across the bar stating that the newly appointed Secretary wants to get himself implead in the suit and therefore, sought for accommodation to file appropriate application. Taking into consideration the above submission, the matter was posted on 25.11.2024.

5. Today, when the matter is taken up for consideration, the learned counsel appearing for the applicant/plaintiff submits that the tenure of the plaintiff as Correspondent/Secretary has come to an end on 23.11.2024 i.e., two days before. However, taking advantage of the vacancy the respondents



shall not interfere in the affairs of the College leading to further more confusion and dispute. Therefore, for the said reason, he has pleaded that the plaintiff to be permitted to continue as a Correspondent/Secretary of Sara Tucker College, Palayamkottai on adhoc basis and the respondents shall not interfere in the affairs of the College Administration pending disposal of the suit.

6. The learned counsel appearing for the so called newly appointed Correspondent/Secretary of Sara Tucker College, Palayamkottai sought further time to bring his implead petition citing that the application is pending in the Registry for scrutiny.

7. The learned counsel submitted that the appointment of the petitioner for a period of two years itself was contrary to the bye-laws and therefore, the then Bishop after expiry of one year period had appointed his client by name P.Samson Paul Raj and therefore, he is a necessary party to the suit and to be impleaded.



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8. Per contra, the learned counsel appearing for the plaintiff states that the appointment of the said P.Samson Paul Raj by the then Bishop been stayed by this Court and it has not come into operation. Till 23.11.2024, the applicant/plaintiff alone was discharging the function of Correspondent/Secretary to Sara Tucker College, Palayamkottai.

9. This Court is of the view that P.Samson Paul Raj who wants to get impleaded claiming as the newly appointed Secretary has no locus as on date to claim as Secretary to the petitioner/plaintiff college in view of the stay order granted by the Hon'ble High Court.

10. In the light of the fact that the administration of the institutions run by C.S.I. Synod and its diocese already been engrossed with litigations and so far as Sara Sara Tucker College being an Educational Institute where several staff members employed in the said college have to get their monthly salary for which the Correspondent/Secretary of the College is the person who should sign the cheques and disburse the salary, there must be some interim arrangement for the smooth functioning of the College and disbursement of the salary. In this connection, it is brought to the notice of



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this Court a writ petition in W.P.No.33223 of 2024 filed by this plaintiff in which the said P.Samson Paul Raj has been arrayed as respondent.

11. Considering the facts that staff members sought to be paid salary and allowance, this Court in pending W.P.No.33273 of 2024 directed the fourth respondent i.e., P.Samson Paul Raj to send list/details/particulars of the staff members to the second respondent and upon receipt of the such particulars, the second respondent is directed to disburse the salary and allowances to the staff members directly without any further delay.

12. This observation of this Court been relied upon by the the learned counsel appearing for P.Samson Paul Raj intended implead Respondent and pleaded that the arrangement as directed by the learned Single Judge in the Writ Petition in W.P.No.33223 of 2024 vide order dated 20.11.2024 need not be disturbed.

13. This Order came to be passed on 20.11.2024, while the applicant/plaintiff was in office. P.Samson Paul Raj has been specifically restrained from discharging the function of Secretary/Correspondent by the



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High Court in the connected proceedings while so as an individual P.Samson Paul Raj cannot by any means be entrusted with the responsibility of preparing the list/details/particulars of the staff members of the Sara Tucker College which is predominantly the responsibility of Correspondent/Secretary.

14. Taking into consideration the facts and circumstances and the exigencies as narrated above, it is appropriate to entrust the responsibility of nominating a persons to act as Secretary/Correspondent of Sara Tucker College for the purpose of day to day administration. The Court appointed Administrator who are arrayed as fourth and fifth defendants in the suit shall nominate a person forthwith to discharge the functions of Correspondent/Secretary of Sara Toker College and ensure the day to day affairs of the college are not by any means affected.

15. The above direction is issued after taking into consideration the order passed by the Hon'ble Supreme Court on 22.05.2024 and also the order passed by the learned Single Judge in W.P.No.33223 of 2024 dated 07.11.2024 entrusting the responsibility of a Correspondent/Secretary of



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Sara Tucker College, Palayamkottai to a person who had been restrained by the High Court from discharging the said function.

16. Accordingly, O.A.No.783 of 2024 is disposed of.

17. Written statement of the respondents if any, to be filed within two weeks.

18. Registry is directed to list the matter along with written statement if any or if time prescribed for filing written statement is expired, list the matter under the caption, “ undefended board”.

25.11.2024

Vv



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