



Crl.R.C.No.2391 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

Coram

The Honourable **Mr.Justice Sunder Mohan**

Crl.R.C.No.2391 of 2024

and

Crl.M.P.No.18431 of 2024

S.Wilson Kumar

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Erode.
2. The Executive Magistrate/Tahsildhar,
Erode Taluk, Erode.
3. The Inspector of Police,
Erode Town Police Station,
Erode.

...Respondents

Prayer

Criminal Revision Petition filed under Section 397 read with 401 of Cr.P.C. And 438 read with 442 of BNSS to set aside the order of the second respondent in Na.Ka.No.5317/2024/A3 dated 11.12.2024.

For Petitioner : Mr.S.V.Karthikeyan

For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)



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Order

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This Criminal Revision Petition is filed seeking to set aside the order passed by the second respondent dated 11.12.2024.

2. The brief facts of the case, which led to the filing of this Revision Petition is as follows:-

i) The petitioner, is the Presbyter of CSI Borough Memorial Church, Erode, who assumed charge on 29.05.2024.

ii) On 26.08.2024, a Meeting of CSI Erode-Salem Diocesan Executive Committee was convened and in the said meeting, there was a commotion due to opposition by certain members, which allegedly led to breach of peace. Hence, a report was filed by the Police, and in pursuance thereof, the first respondent/Revenue Divisional Officer held a Peace Committee Meeting, and passed an order dated 23.11.2024 for maintenance of peace.

iii) Thereafter, the second respondent, by the order dated 11.12.2024, appointed one Barthlameu Seeganpaul, for administration of the Church.



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Aggrieved by the said order, the present Revision Petition is filed.

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3. The learned counsel appearing for the petitioner would submit that the dispute was only with regard to the convening of the Diocesan Council Meeting; that he has nothing to do with the convening of the Diocesan Executive Council Meeting; that the second respondent, without any notice or enquiry, passed an order dated 11.12.2024, wherein, the petitioner was shown as 'B' party; that the petitioner's apprehension is that, since he is shown as 'B' party, his position as 'Presbyter' has been disturbed, and hence, he prayed for setting aside the said order.

4. The learned Government Advocate (Crl.Side) for respondents would submit that the 1st respondent had earlier passed an order directing the parties to maintain *status quo*, which was challenged before this Court in Crl.R.C.No.2153 of 2024 and this Court by order dated 02.12.2024, had granted an order of interim stay; that by the impugned order, the 2nd respondent had appointed one Barthlameu Seeganpaul as Administrator, for which both the petitioner and the opposite party one Jacob Livingston were



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agreeable; and that therefore, the apprehension of the petitioner is baseless and sought for dismissal of the revision.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the records.

6. During the course of arguments, the learned counsel for the petitioner submitted that by the impugned order, the 2nd respondent had removed the petitioner from the position of Presbyter of the Church and therefore, the impugned order is liable to be set aside. On perusal of the impugned order, it is very clear that the petitioner's position has not been disturbed. The 2nd respondent had made an interim arrangement only with regard to Christmas and New Year celebrations.

7. Therefore, this Court is of the view that the apprehension of the petitioner is baseless, as by mere reference of the petitioner's name as 'B' party would not in any way disturb his claimed position as the Presbyter of the Church. Thus, this Court does not find any reason to interfere with the



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order passed by the second respondent/Executive Magistrate.

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8. With the above observation, this Criminal Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

21.12.2024

sd/ars

Index : yes/no

Neutral Citation : yes/no

To

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Erode.
2. The Executive Magistrate/Tahsildhar,
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Erode.



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Sunder Mohan,J.,

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