



WA (MD) Nos. 1453 and 1488 and 1614 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on 29.10.2024	Delivered on 02.12.2024
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CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
and
THE HONOURABLE MRS.JUSTICE **L.VICTORIA GOWRI**

Writ Appeal (MD) Nos.1453, 1488 and 1614 of 2024,
CMP (MD) No.11302 & 11303/23 of WA (MD) No.1453/24,
CMP (MD) No.11552 & 11554/23 of WA (MD) No.1488/24
and CMP (MD) No.12589 of WA (MD) No.1614/24

T, Sam Razal ... Appellant in WA (MD)1453/2024

S.Thomas Walker ... Appellant in WA (MD)1488/2024

Tirunelvli CMS Evangelical Church,
Registered Society No.2/1925-1926,
(Cheranmahadevi District
Registrar Office New No.4/1982),
Idayunkulam, Nanguneri Taluk,
Tirunelveli District Rep. by its Secretary
S.Thomas Walker. ... Appellant in WA (MD) 1614/2024

Vs.

1. Tirunelvli CMS Evangelical Church Society,
Idayunkulam HO,
Reg No.2/1925-1926, New No. Cherai 4/1982,
Rep. by its Secretary, S.V.Joseph Thangiah
Nanguneri Taluk, Tirunelveli District.
2. The Inspector General of Registration,
(Registration and Societies),
Santhom, Church Road, Chennai 600 028.



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3. The District Registrar (Administration),
Cheranmahadevi, Tirunelveli District.

... Respondents 1 to 3 in
WA (MD) 1453 & 1488/24

4. S. Thomas Walker .. 4th Respondent in WA (MD) 1453/24

4. T. Sam Razal .. 4th Respondent in WA (MD) 1488/24

1. The District Registrar (Administration),
Cheranmahadevi, Tirunelveli District.

2. S.V. Joseph Thangiah

3. T.Sam Razal ... Respondents 1 to 3 in
WA (MD) 1614 of 2024

Prayer (in WA (MD) Nos.1453 & 1488/24: Writ Appeal filed under
Clause 15 of the Letters Patent, to set aside the order dated 31.07.2024 in
WP (MD) No.30601 of 2023.

Prayer (in WA (MD) No.1614/24: Writ Appeal filed under Clause 15 of
the Letters Patent, to set aside the order dated 31.07.2024 in WP (MD)
No.16746 of 2024.

For Appellant : Mr. G. Prabhu Rajadurai
for Appellant in WA 1453/24 &
for 4th Respondent in WA 1488 & 1614/24

: Mr.M.Mahaboob Athiff
for M/s. Selva Aditya

for Appellant in WA 1488/24 & 1614/24
for 4th Respondent in WA 1453/24



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WEB COPY For Respondents : Mr.Isaac Mohanlal, Senior Counsel
for M/s. Isaac Chambers
for R1 in WA Nos.1453 & 1488/2024
& R2 in WA 1614/2024

Mr.P.Subbaraj,
Special Government Pleader,
for R2 & R3 in WA 1453 & 1488/24
& R1 in WA 1614/24

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The Writ Appeal No.1614 of 2024 is at the instance of the petitioner in WP No.16746 of 2024, the other two Appeals viz. WA Nos. 1453 and 1488 of 2024 are by the respondents 3 and 4 in the Writ Petition No.30601 of 2023.

2. The order impugned in both the Writ Petitions was the order of the first respondent in the writ petitions dated 21.06.2023, in and by which, the District Registrar refused to file any of the Form VIIs, produced by the three individuals viz. S.V.JosephThangiah, S.Thomas Walker and T.SamRazal.



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WEB COPY 3. Mr.S.V.Joseph Thangaiya, as Secretary of the Society viz.

Tirunelveli CMS Evangelical Church Society, Idayankulam, filed WP (MD) No.30601 of 2023, challenging the order of the District Registrar dated 21.06.2023. Mr.S.ThomasWalker, filed WP (MD) No.16746 of 2024 claiming himself to be the Secretary of the very same Society. The Writ Court while allowing WP (MD) No.30601 of 2023 dismissed WP (MD) No.16746 of 2024.

4. In WP (MD) No.30601 of 2023 it was the claim of the petitioner that he was the duly elected Secretary of the Society and three Form VII were filed by three individuals, claiming themselves to have been elected as office bearers on 16.11.2022, 25.11.2022 and 05.12.2022. The Registrar by the impugned proceedings refused to file all the three Form VII and referred the parties to resolve the dispute before a Competent Civil Court. Aggrieved the above two Writ Petitions came to be filed.

5. The Writ Court concluded that the elections have not been properly conducted as per the bylaws. The Writ Court held that the claim that the Election Officer has not been properly appointed is incorrect and it found that Mr.A.Selvin, was appointed as an Election Officer and he



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issued a notification on 15.10.2022 and the elections were held on 07.11.2022. In the said election Mr.S.V.Joseph Thangiah, was elected as the Secretary. The Writ Court found that the other two Form VIIIs filed by Mr.S.Thomas Walker and Mr. T.Sam Razal, cannot be accepted for the simple reason that the elections in which they claim to have been elected were not conducted by the Election Officer, who was properly appointed. The Writ Court, however, took note of the fact that the Election Officer has merely obtained a list of Members from the District Registrar and has proceeded to conduct election and such procedure may not be correct in the light of the peculiar facts and circumstances that prevailed.

6. The Society consists of members, who have a congregational nature and there will be regular additions and deletions to the membership. Therefore, the Election Officer must in future undertake the exercise of revising the members list before elections. Aggrieved by the dismissal of the Writ Petition in WP No.16746 of 2024, Mr.S.Thomas Walker, claiming himself to be the Secretary of the Society, has filed WA (MD) No.1614 of 2024. He has also filed WA (MD) No.1488 of 2024 as against the order in WP (MD) No.30601 of 2023 in his individual capacity. WA (MD) No.1453 of 2024 has been filed by Mr.T.Sam Razal, the fourth respondent in WP (MD) No.30601 of 2023.



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7. We have heard Mr.G.Prabhu Rajadurai, learned counsel appearing for the appellant in WA (MD) No.1453 of 2024 & fourth respondent in WA No.1488 and 1614 of 2024, Mr.Mahaboob Athiff, learned counsel appearing for the appellant in WA (MD) No.1488 and 1614 of 2024 and the fourth respondent in WA No.1453 of 2024, Mr.Isaac Mohanlal, learned Senior Counsel for M/s.Isaac Chambers, appearing for the first respondent in WA (MD) Nos.1453 and 1488 of 2024 and second respondent in WA (MD) No.1614 of 2024 and Mr.Subbaraj, learned Special Government Pleader appearing for Respondents 2 & 3 in WA (MD) Nos.1453 and 1488 of 2024 and the first respondent in WA (MD) No.1614 of 2024.

8. Both Mr.G.Prabhu Rajadurai, and Mr. Mahaboob Athiff, learned counsel appearing for the appellants would vehemently contend that having found that the election was not properly conducted, the learned Single Judge was not right in directing the Form VII produced by Mr.S.V.Joseph Thangiah, to be filed. They would also contend that in view of the judgment of the Full Bench of this Court in ***D.Bright Joseph vs. Church of South India (CSI)***, reported in ***2024 SCC Online Mad***

286, to which one of us (R.Subramanian, J.) was a party, the Writ Petition



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itself is not maintainable.

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9. Contending contra, Mr.Isaac Mohanlal, learned Senior Counsel appearing for the first respondent viz. the Society represented by Mr.S.V.Joseph Thangiah, would submit that the learned Single Judge having found that at least Mr.S.V.Joseph Thangiah, was able to show that the election was conducted in a proper manner and therefore, the learned Single Judge directed the filing of Form VII produced by Mr.S.V.Joseph Thangiah, while rejecting the other two Form VIIIs.

10. No doubt, the learned Single Judge has pointed out that certain defect in the procedure adopted by the Election Officer in the conduct of elections. But he has not thought it fit to reject the Form VII on the said ground alone. Since, according to the learned Single Judge, the election conducted by Mr.A.Selvin, who was appointed as an Election Officer was by and large fair.

11. The learned Senior Counsel would also point out mere filing of Form VII will not clothe the person whose Form VII has been accepted with any special rights and it was open to the respondents to the



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appellants to have challenged the elections in a properly constituted suit.

He would also point out that an injunction petition filed at the instance of three persons seeking a restraint on the elections was dismissed by the II Additional District Munsif, Tirunelveli, on 04.11.2022. On the maintainability, the learned Senior Counsel would submit that what was under challenge in the proceedings of the District Registrar which is a statutory order and therefore, the Writ Petition would be maintainable.

12. We have considered the rival submissions.

13. Off late we find that these election disputes in Societies affiliated to Churches have become a very common feature and parties approach this Court at the drop of the hat for resolution of such election disputes. Most of the congregations which form a church are registered societies which are governed by the Tamil Nadu Societies Registration Act, 1975 and most of the bylaws of these societies provide for election in a particular manner. Almost every election is questioned on some violation on the other of the bylaws. No doubt a Division Bench of this Court in *Muralidaran and others v. District Registrar, South Madras and another, reported in 2008 (2) LW75*, held that mere acceptance of Form VII by the Registrar will not clothe the person whose Form-VII has



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been accepted with any special rights and it will be open to the person/s aggrieved to approach a Competent Civil Court challenging the elections.

14. In most of the Societies formed by the Church goers, Officer Bearers are elected for a period of three years. Even if elections are challenged, by the time the suits are disposed of the period of three years itself is over in most of the cases. Therefore, the litigants choose the short cut to approach this Court challenging the actions of the District Registrar in accepting Form VIIIs. We are pained to see that there are litigations in respect of every Church, every Congregation and every Diocese. Church of South India is one of the major litigants in the Madras High Court as well its Madurai Bench.

15. All these malady occurs because there is no statute to regulate the affairs of the Churches and the Church goers, like the Tamilnadu Hindu Religious and Charitable Endowments Act or the Waqf Act. We find that it is high time the Government of the day comes up with some regulatory measure to regulate the affairs of the Churches, so that this Court does not spend valuable judicial time in resolving the disputes amongst church goers.



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16. Adverting to the case on hand, we really do not find any grievance for the appellants. The Writ Court has only directed receipt of one Form VII, so that there is some semblance of sanity in the functioning of the Society. That will not however, clothe Mr.S.V.Joseph Thangiah or his associates with certain special rights. It is always open to the appellants to go before the Civil Court and demonstrate that the elections conducted by Mr.A.Selvin, were not conducted in accordance with the bylaws and seek to set aside those elections. But as we have already pointed out the elections were conducted for the triennium between 2022 and 2025. We are now at the fag end of 2024, by the time was suit is filed and decided the triennium for which the elections are conducted will be over.

17. This by itself cannot be a reason for us to interfere with the discretion exercise by the learned Singe Judge. Out of the three Form VIIs that were placed before the District Registrar, the learned Single Judge found that as far as Form VII filed by Mr.S.V.Joseph Thangiah, it is supported by the fact that an election was in fact conducted by a properly appointed Election Officer. Therefore, without going into the nitty-gritty, the Writ Court had directed the said Form VII to be filed. As far as the other two Forms VII that are sought to be filed, the Writ Court



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found that there was nothing to show that an election was conducted and based on such election the Form-VII was filed. Therefore, the Writ Court chose to reject the other two Form VII.

18. No doubt, the Writ Court had directed that in future the Election officer should undertake the exercise of preparing a voters list based on the current strength of the Congregation, as it is subject to constant change but that by itself will not, in our opinion, render the elections already held invalid. We therefore, see no need to interfere with the order of the learned Single Judge.

19. All the three Writ Appeals fail and they are accordingly dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (L.VICTORIA GOWRI, J.)
02.12.2024



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Index: No
Internet: Yes
Speaking order
Neutral Citation: No

To

1. The Inspector General of Registration,
(Registration and Societies),
Santhom, Church Road, Chennai 600 028.
2. The District Registrar (Administration),
Cheranmahadevi, Tirunelveli District.



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R.SUBRAMANIAN, J.

and

L.VICTORIA GOWRI, J.

(jv)

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