



Rev.Apl.W(MD)No.166 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Apl.W.(MD)No.166 of 2024

in

W.P.(MD)No.16999 of 2024

and

W.M.P.(MD)Nos.17703 and 17705 of 2024

W.S.Milton Jeganathan

... Petitioner

Vs

- 1.Arthur Joseph Asirvatham,
- 2.The Executive Magistrate-II/
The Tahsildar,
Madurai West, Madurai.
- 3.Rev.D.Jeyasingh Prince Prabhakaran,
Bishop, Church of South India,
Madurai - Ramnad Diocese,
Madurai.
- 4.Samuel Devaraj,
The Election Officer,
St. Georges Church,
Main Guard Square,
Madurai - 625 001.
- 5.R.Samuel
Chairman / Election Officer,
Pastorate Committee,
St. Georges Church, Madurai.



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6.The Branch Manager,
Tamil Nadu Mercantile Bank,
Simmakkal, Madurai.

7.Manuvel Jeyaraj,
Elected Member,
Pastorate Committee,
St. Georges Church,
Madurai.

8.A.P.Solomon Jeyakumar,
Elected Member,
Pastorate Committee,
St. Georges Church,
Madurai.

... Respondents

Prayer: Review Application is filed under Order XLVII, Rules 1 and 2 of the Civil Procedure Code r/w. Section 114 of Civil Procedure Code, to review the order dated 25.07.2024 made in WP(MD).No.16999 of 2024 and Writ Petition may be dismissed as not maintainable on the file of this Court.

For Petitioner : Mr.T.Lajapathi Roy, Senior Counsel,
For Mr.M.Arjun Varman

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R2.
Mr.T.S.Mohammed Mohideen for R1.
Ms.Jasima Yasmin,
For M/s.Ajmal Associates for R3.



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ORDER

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Heard the learned senior counsel for the review applicant, the learned counsel for the first respondent and the learned counsel for the third respondent.

2.The first respondent herein filed W.P.(MD)No.16999 of 2024 for directing the fourth respondent in the writ petition to allow the elected officer bearers of pastorate committee of St.George's Church, Madurai to discharge their duties. The writ petition was disposed of by recording the stand taken by the Rev.Bishop as well as the fourth respondent therein that letter will be issued to permit the writ petitioner to function as Secretary. The writ petition was thus disposed of on 25.07.2024. Seeking review of the said order, this review application has been filed.

3.The learned senior counsel for the review applicant points out that in the affidavit filed in support of the writ petition, it has been averred that the Rev.Bishop had cancelled the order passed by the review applicant and thereafter appointed Rev.R.Samuel, as election officer in his place.



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4. When the affidavit filed in support of the writ petition contains some allegations against the review applicant, the writ petition could not have been disposed of finally without hearing the review applicant. I am satisfied that principles of natural justice were not observed as far as the review applicant is concerned.

5. In this view of the matter, the order dated 25.07.2024 made in W.P.(MD)No.16999 of 2024 is recalled and the writ petition is restored to file. The Registry is directed to list the writ petition for disposal before the Hon'ble Judge holding the roster.

6. The review application is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

18.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To:

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The Executive Magistrate-II/
The Tahsildar,
Madurai West, Madurai.



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G.R.SWAMINATHAN,J.

ias

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in
W.P.(MD)No.16999 of 2024

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