



W.P.(MD)No.25906 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25906 of 2024

G.S.S.Masilamani

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 3.The District Minority Welfare Officer,
Tirunelveli District, Tirunelveli.
- 4.The Revenue Divisional Officer,
Revenue Divisional Office,
Cheranmahadevi,
Tirunelveli District.
- 5.The Thashildar,
Nanguneri Taluk,
Tirunelveli District.
- 6.The Deputy Superintendent of Police,
Nanguneri Division,
Tirunelveli District.
- 7.The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.



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8.The Revenue Inspector,
Idaiyankulam Village,
Nanguneri Taluk,
Tirunelveli District.

9.The Pastorate Chairman,
C.S.I. Church, Idaiyankulam Church,
Nanguneri, Tirunelveli District.

10.Charlin
11.Amstrong
12.Mangalraj
13.Pandiyan
14.Thangaiya Premkumar
15.Perlicks
16.Rathna Kumar
17.Diraviyam Esuthasan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 24.06.2024 on the basis of Senior Citizen Protection Act 2009 within the time as stipulated by this Court.

For Petitioner	: Mr.S.Krishnan
For RR1, 3 to 5 & 8	: Mr.D.Sadiq Raja Additional Government Pleader
For R2, R6 & R7	: Mr.M.Vaikkam Karunanithi Government Advocate (Crl.side)
For R11 to R16	: Mr.K.K.Udayakumar
For RR9, 10 & 17	: Mr.H.Arumugam for Mr.P.P.Alwin Balan



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ORDER

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This writ petition has been filed to direct the 1st respondent to consider the petitioner's representation dated 24.06.2024 on the basis of Senior Citizen Protection Act, 2009 within the time as stipulated by this Court.

2.Mr.D.Sadiq Raja, learned Additional Government Pleader, takes notice for the respondents 1, 3 to 5 and 8, Mr.M.Vaikkam Karunanithi, learned Government Advocate (Crl.side), takes notice for the respondents 2, 6 and 7, Mr.K.K.Udayakumar, learned counsel takes notice for the respondents 11 to 16 and Mr.H.Arumugam, learned counsel takes notice for the respondents 9, 10 and 17. By consent of both parties, this writ petition is taken up for final disposal.

3.It is the grievance of the petitioner that the representation submitted by the petitioner under the Senior Citizen Protection Act, 2009 has not been considered.

4.From the affidavit filed in support of this writ petition, it is seen that the petitioner on the very same ground has filed a writ petition in W.P.(MD)No. 22555 of 2023. The Division Bench of this Court by an order dated 15.09.2023 dismissed the said writ petition by holding as follows:



“5. This Court is unable to entertain the Writ Petition on two grounds. First of all the Church is a religious institution of a minority, which enjoys certain privileges and protection under our Constitution. Even though the petitioner has made some allegations as if he has been excommunicated, the petitioner cannot use the expression “ex-communication” merely because the members of the Church have refused to collect subscription from him. If he is not permitted to go into the Church, it is open to him to file a Civil Suit if it infringes his personal right as a member of a particular Church. He cannot enforce this right by filing Writ Petition, seeking relief against the CSI Church, which is not otherwise amenable to the jurisdiction of this Court under Article 226 of the Constitution. Even accepting the case of the petitioner, this is only a case, where the petitioner is removed from the membership of the religious institution probably on account of some issues which has to be resolved through civil Court. The petitioner has an effective alternative remedy of approaching the Civil Court to redress his grievance. There is no statute by which the official respondents could take or initiate action on the basis of the allegations / complaint made by the petitioner in the Writ Petition. The petitioner has not referred to any other constitutional or statutory provisions under which this Court can grant relief to the petitioner.”

5. Now the present writ petition has been filed for the very same relief, which has already been negated by the Division Bench of this Court.



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6. When this Court was about to dismiss this writ petition, the learned counsel for the petitioner seeks an adjournment to 05.11.2024. However, taking note of the fact that this writ petition is nothing but an abuse of process of law in order to overcome the orders of the Division Bench of this Court, this Court is not inclined to adjourn this matter.

7. Accordingly, this writ petition is dismissed. No costs.

30.10.2024

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