



WEB COPY

O.A.No.256 of.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 03.07.2025	PRONOUNCED ON 11.07.2025
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CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

O.A.No.256 of 2024

in

C.S.No.73 of 2024

- 1.Mr.S.Isaiah @ Srinivas
 - 2.Mr.Kandukuri Rambabu @ Rathnakumar
 - 3.Mr.Damalla George Samuel
 - 4.Mr.D.David Johnson
 - 5.Mr.Sunil Kumar Lingala
 - 6.Gandra Krupa Danam
- ... Applicants/Plaintiffs

vs.

- 1.The Church of South India,
Rep., by its Office bearers
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah, Chennai – 600 014.
- 2.The Moderator, Church of South India,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah, Chennai – 600 014.
- 3.The Deputy Moderator, Church of South India,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah, Chennai – 600 014.
- 4.The General Secretary, Church of South India,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah, Chennai – 600 014.



O.A.No.256 of.



5. The Treasurer, Church of South India,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah, Chennai – 600 014.

6. Padma Rao Kodirekka
Bishop of Dornakal and Medak Dioceses
Bishop's House, Epiphany Cathedral Compound,
Dornakal, Warangal, Telangana - 506 381

7. The Dornakal Diocese
Rep., by its Diocesan Office,
Epiphany Cathedral Compound, Dornakal,
Warangal District, Telangana – 506 381.

8. The Medak Diocese
rep., by its Diocesan Council,
CSI Medak Diocesan Office,
1255, Railway Colony, Chikalaguda,
Secunderabad, Telangana – 500 025. ... Respondents/ Defendants

For Applicant : Mr. Vineet Subramani

For Respondent : Mr. Adrian D. Rozario

ORDER

This Applications had been filed to grant interim injunction restraining the 6th respondent from acting as the Bishop of Domakal Diocese and acting as Bishop of Domakal Diocese and acting as Bishop in Charge of Medak Diocese and holding and position/office within CSI or its Dioceses, pending and



disposal suit.

O.A.No.256 of.



WEB COPY

2. Heard Mr.Vineet Subramani, learned counsel appearing for the applicants and Mr.Adrian D.Rozario, learned counsel appearing for the respondents.

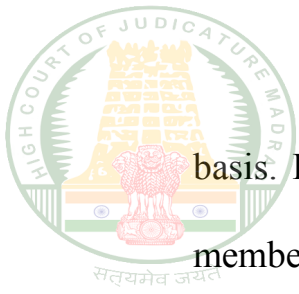
3. The learned counsel for the applicant would contend that the sixth respondent herein was appointed as a Bishop of the seventh respondent in the year 2021. In view of vacancy that arose in the eighth respondent diocese, he was also appointed as a bishop in charge of the said diocese. An criminal case came to be registered against the sixth respondent under the provisions of the Schedule Caste and Schedule Tribes. (Prevention of Atrocities) Act, 1989. The sixth respondent had filed quash petition before the High Court of Telangana, where the High Court recording the submission made by the counsel for the sixth respondent that the sixth respondent also belongs to the schedule caste community and therefore the complaint under the provisions of the said act cannot be maintained, had quashed the proceedings against the sixth respondent. He would submit that a Christian cannot be a scheduled caste. Only a person who is baptized, and who had remained steadfast professing the



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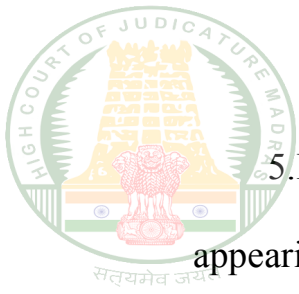
Christianity alone can be appointed as a Bishop. He would contend that when the sixth respondent had claimed himself to be a schedule caste, it would mean that he do not profess Christianity and therefore he would not be entitled to hold the post of Bishop. Relying upon the Constitution (Schedule Castes) order 1950, he would contend that any person who professes a religion different from Hinduism, Sikhism or Buddhism cannot be a member of the scheduled caste community. He having claimed to be a schedule caste would only be presuppose that the sixth respondent is not professing Christianity. Therefore he had instituted the present suit seeking for a declaration to declare that the 6th respondent is not the member of the first respondent and consequently to set aside the appointment of the sixth respondent as the Bishop. Relying upon the judgments of the Apex Court and this court, he would contend that the persons who profess christianity cannot be benefited with the claim of schedule caste. Therefore, he prays this court to grant an injunction restraining the sixth respondent from functioning as a bishop, pending disposal of the suit.

4.Countering his arguments, the learned counsel appearing for the respondents would submit that the claim made by the applicants is without any



WEB COPY

basis. He would submit that only a person who had been baptist could be a member of the first defendant. He would further submit that the sixth respondent who was a member of the church and the first defendant was ordained as a Deacon in the year 1986 and presbyter in the year 1987. He was further consecrated as a Bishop in the year 2021. He would submit that the sixth respondent only profess Christianity. What was brought to the notice of the High Court of Telangana was that prior to his baptism the sixth respondent belonged to the schedule caste community. Therefore the same cannot be taken into account to hold that the sixth respondent belongs to a different religion other than Christianity. He would submit that the *de facto* complainant in the said case had filed an SLP before the Apex Court and the same is subjudice. He would further submit that the Apex Court is also seized of a larger issue with regard to the claim of scheduled caste/scheduled tribe for members of other religion other than Hinduism, Sikhism and Buddhism. When such is the position the claim of the applicant should not to be entertained at this stage and at most, the same could be only decided after the evidence recorded in the case. Therefore, he would pray this court to dismiss the application as being without merits.

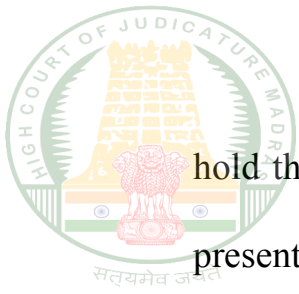


5.I have considered the submissions made by the learned counsels appearing on either side and perused the materials placed on record.

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6.It is the case of the applicant that in view of the claim made by the sixth respondent that he also belong to schedule caste community in a proceeding before the High Court at Telangana, it is deemed that he do not profess Christianity. It is the claim of the respondents that the sixth respondent being a member of the first respondent and professing Christianity had been ordained as Deacon and thereafter presbyter and concentrated as a Bishop. The claim of the applicant is presumptive in nature. The applicant has not produced any materials before this court to substantiate that the sixth respondent has been processing any other religion other than Christianity. But he admits that the sixth respondent is performing the duties of a Bishop, which itself would, *prima facie* satisfy that the sixth respondent only professes Christianity.

7.The judgments relied upon by the applicants in support of his contention cannot be made applicable to the facts of the present case. The afore-said judgments were rendered based upon a factual findings by an appropriate authority that the individuals therein were professing Christianity to



O.A.No.256 of.



hold that they were ineligible to claim to be a Schedule Caste member. In the present case, there has been no such factual finding by any authority whomsoever that the sixth respondent does not profess is Christianity. In such circumstances, this Court do not find any *prima facie* case or balance of convenience for grant of injunction, particularly when the sixth respondent had been consecrated as a Bishop as early as 2021.

8.In fine the application stand dismissed for the reasons stated supra.

There shall be no order as to costs.

11.07.2025

Index : Yes / No
Internet : Yes / No
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WEB COPY



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K.KUMARESH BABU.J.,

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Pre-Delivery Order in
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