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C.M.P.No. 11982 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.05.2025

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

C.M.P.No. 11982 of 2025
in
W.A.No. 2361 of 2024

J.Samuel

.. Petitioner

VS

1.K.Reuben Mark

Bishop of Karimnagar Diocese
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road,
Royapettah, Chennai – 600 014.

2.The Church of South India

rep. By its Officers / Committee of Administrators,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah,
Chennai – 600 014.

3.Church of South India Trust Association

a registered company having its registered office at
CSI Centre, No.5, Whites Road,
Royapettah, Chennai – 600 014
rep. By its Directors / Committee of Administrators

4.E.Jacob

.. Respondent

Prayer : Petition filed under Section 151 of CPC to direct the
appellant and respondents 2 to 4 to include petitioner's name in
the Voters List of St.Andrews Church, Chintal, Warangal Pastorate,



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Karimnagar Diocese, and permit Petitioner to participate in the forthcoming elections as voter and candidate.

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For petitioner : Mr.Vineet Subramani
for Mr.R.Premanandhan

For respondents : Mr.V.Prakash, Senior Counsel
for Mr.Adrian D.Rozario

ORDER
(Made by G.R.SWAMINATHAN, J.)

Heard learned counsel for the petitioner and learned Senior Counsel appearing for the Church of South India.

2. The petitioner in this CMP was holding the post of Lay Secretary in Church of South India, Karimnagar Diocese. Vide communication impugned in the writ petition, he was suspended from his post. The communication dated 28.12.2023 reads as follows:-

*CHURCH OF SOUTH INDIA
DIOCESE OF KARIMNAGAR*

*The Rt.Rev.Dr.Prof.K.Reuben Mark
Moderator in-charge & Deputy Moderator-CSI
& Bishop in Karimnagar,*

To

Mr.J.Samuel

Date : 28.12.2023

*Sub: Withdrawal of Primary Membership of CSI
– Karimnagar Diocese and Church Governance
at all levels – reg.*



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Ref: The Diocesan Executive Committee resolution dated on 4th November, 2023 at Diocesan Executive Hall, Karimnagar,

Dear Samuel,

This is with reference to the decision of the Diocesan Executive Committee, met on 4th November, 2023 at Diocesan Executive Committee Hall, Karimnagar and where in based on the report of the inquiry commission and the provisions of CSI Constitution and the constitution of CSI – Karimnagar diocese, it was resolved to withdraw your primary membership of CSI – Karimnagar diocese for a period of two trienniums starting from 4th November 2023. It was also resolved that you are not permitted to take part in the church governance at all levels. However, you are allowed to avail pastoral services which include the Holy Communion.

Yours in Christ,

Sd/-

The Rt.Rev.Dr.Prof.K.Reuben Mark

Cc:

- 1.Moderators in Charge – CSI*
- 2.General Secretary – CSI*
- 3.Synod – Treasurer*
- 4.Interim Diocesan Officers- CSI Karimnagar Diocese*
- 5.Pastorate Chairman, Secretary and Treasurer – St.Andrew's Church, Chintal Waralgal Pastorate*
- 6.File.*

3. Challenging the same, the petitioner herein filed W.P. No.14410 of 2024. The learned Single Judge vide order dated 30.05.2024 quashed the said communication and allowed the writ



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petition. Challenging the same, the Diocese filed this writ appeal.

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4. When the matter was taken up for admission, the interim order was granted in the following terms:-

Learned Senior Counsel for the appellant fairly states that the first respondents, namely J.Samuel and Mr.K.V.Kennedy, are not holding the post of Secretary of the Second respondent Church, but they continue as primary members in the Church, till the disposal of the appeal.

Learned counsel for the first respondent does not have any objection for recording the statement of learned Senior Counsel for the appellant.

In view of the above and as all the issues raised in the appeals will be decided at the time of hearing of appeals, list these matters after eight weeks for final disposal.

There shall be an order of interim stay, subject to the first respondents being permitted to continue their primary membership in the second respondent Church.

5. The grievance of the petitioner herein is that the election for the next triennium had already been announced but his name is not figuring in the voters list. That led to the filing of this CMP for directing the writ appellant to include his name in the voters list and permit him to participate in the forthcoming elections as a voter and candidate.

6. The learned counsel for the petitioner in this CMP reiterated all the contentions set out in the affidavit filed in support



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of this miscellaneous petition.

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7. Per contra, learned senior counsel, drew our attention to the resolution passed as early as 24.04.2019 by the Diocese. The said resolution makes a distinction among the primary members. There is one another set of primary members who want only pastoral care; they ought to have to pay monthly membership of Rs.200/-. Those primary members who want the privilege of voting and contesting are called full members and they have to pay Rs.500/- per month to the subscription.

8. Learned Senior Counsel submitted that when undertaking was given before the Hon'ble First Bench, it was only proposed that the writ petitioner would continue to receive pastoral services.

9. The learned Senior Counsel contends that the exclusion of the petitioner herein from the voters list would not amount to breach of the undertaking given before this Court.

10. We are not impressed with the submission of the learned Senior Counsel appearing for the writ appellant. We have extracted the communication impugned in the writ petition in full.



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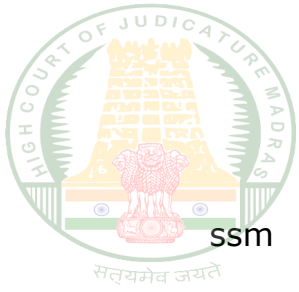
The said communication itself states that the writ petitioner would be allowed to avail pastoral services which would include the Holy Communion. If the undertaking made before the Hon'ble Division Bench was intended to mean that the writ petitioner can continue to avail pastoral services, then, it is no concession at all. Even the order of suspension did not propose to deprive the writ petitioner of the said right. Hence, the concession made before the Bench can only mean that the petitioner will enjoy the rights of a full member. The distinction now sought to be made ought to have been made before the Hon'ble Division Bench itself. The resolution now produced before us was not projected earlier. Therefore, we are of the view that the petitioner herein cannot be excluded from the voters' list.

11. The learned Senior Counsel also questioned the very maintainability of the writ petition. This issue can be gone into at the time of final hearing of the appeal and not at this stage.

12. C.M.P.No.11982 of 2025 stands allowed.

[G.R.S.,J.] [M.N.K.,J.]
15.05.2025

Index:Yes/No
Neutral Citation:Yes/No



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