



W.P.No.22491 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.22491 of 2024
and W.M.P.No.24500 of 2024

Rev.A.Suresh Kumar
Bishop's Commissary
Church of South India
Tiruchirapalli – Thanjavur Diocese
Having Office at CSI Diocesan Office
Puthur, Tiruchirapalli – 620 017.

.. **Petitioner**

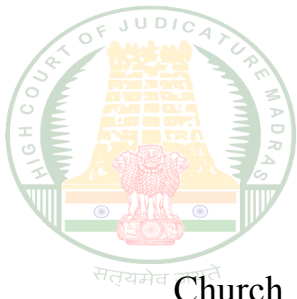
Vs.

1.The Church of South India
Represented by its Officers/Committee of Administrators
CSI Synod, CSI Centre
No.5, Whites Road, Royapettah
Chennai – 600 104.

2.The Church of South India Trust Association
A Company Registered under the Indian Company's Act 1913
Represented by its Directors / Committee of Administrators
No.5, Whites Road, Royapettah
Chennai – 600 104.

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, permitting the officers of the Council of the



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Church of South India, Tiruchirappalli – Thanjavur Diocese, as per the requisition made on 08.03.2024, to discharge its functions as per the Constitution of the Church of South India, Tiruchirappalli – Thanjavur Diocese and the Constitution of the Church of South India and manage all its affairs and business for the teiennium 2024 to 2027 and pass such further or other orders.

For the Petitioner : Mr.P.H.Aravindh Pandian
Senior Counsel
for Mr.Cibi Vishnu

For the Respondents : Mr.Ravikumar Paul
Senior Counsel
for M/s Paul & Paul J.Hudson
Samuel & Partners.

ORDER

Heard, *Mr. P. H. Aravindh Pandian*, the learned Senior Counsel appearing on behalf of the petitioner; this Court requested *Mr. Ravikumar Paul*, the learned Senior Counsel, for his assistance in the matter.

2. The grievance of the petitioner is that, citing the orders passed by the Hon'ble Supreme Court of India in S.L.P.(C).No.9079 to 9081 of 2024, neither the petitioner nor the other elected office-bearers are permitted to function at all.



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There are pressing needs regarding the day-to-day affairs of the Church of South India, Tiruchirappalli - Thanjavur Diocese. Even regular decisions, such as those involving immovable properties, can await the decision of the Hon'ble Supreme Court. Additionally, other activities, such as the payment of bills, salaries, transfers and postings, and appointments, are also being held back. Without performing the above functions, all activities of the concerned Diocese have come to a standstill. It is further stated that a majority of the activities relate to administering the educational institutions, and therefore, there is an element of public duty involved, which is why the Writ Petition is filed.

3. The learned Senior Counsel representing the Administrators would submit that the Administrators, though usually would respond to the issue, are presently unable to do so in light of the interim Orders of the Hon'ble Supreme Court of India. Everything depends on the further orders of the Hon'ble Supreme Court. In response to queries by this Court as an Officer of the Court, the Learned Senior Counsel would submit that, upon perusal of the cause title of the Writ Petition, the petitioner claims to exercise power as the Bishop's



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Commissary. He would further submit that a Bishop can appoint a Commissary only for his temporary absence, and such an appointment remains valid only as long as the Bishop remains in office. The Bishop who appointed a person as Commissary has since retired, and with the Principal also no longer in office, there is no question of the Commissary exercising power in that regard. He would further submit that even per the interim order issued by the Hon'ble Supreme Court of India, there is no impediment for the elected body to perform its obligations and duties within the powers granted by the constitution of the elected body at the Diocese level. The issue before the Hon'ble Supreme Court of India pertains to the Synod level. Therefore, he would submit that if the elected body wishes to function, the order of the Supreme Court will not directly obstruct this, especially if they are merely managing day-to-day affairs that do not require permission from the Synod and fall within the constitution of the Diocese, conferring powers on the District Level Elected Body.

4. In reply, *Mr. Aravindh Pandian*, the learned Senior Counsel, would submit that even though the petitioner described himself as a Bishop's



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Commissary in the cause title, the records show that he is an elected member; he has been elected as a District Treasurer. Therefore, his prayers can be considered in that capacity.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. Since it is stated that the grievance the petitioner is bringing to the Court involves day-to-day activities related to educational institutions and includes an element of public duty, I hold that this Writ Petition is maintainable only to a limited extent; otherwise, the writ petition against the Church of South India will not be maintainable.

7. With reference to the prayer of the Writ Petitioner, and in light of the submissions made by the learned Senior Counsel, who have indicated they the Hon'ble Administrators are unable to respond, no regular relief can be granted. The petitioner must approach the Hon'ble Supreme Court of India for



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clarification in this matter. However, given the extreme urgency asserted, this

Writ Petition is disposed of on the following terms:

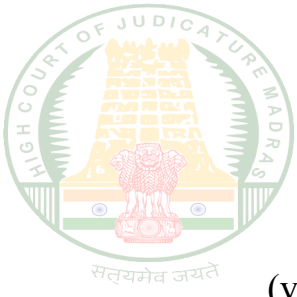
(i) The petitioner or the other members of the elected body shall approach the Hon'ble Supreme Court of India for appropriate orders;

(ii) In the meanwhile, in view of the emergency pleaded, the Elected Body of the Church of South India, Tiruchirapalli – Thanjavur Diocese, shall carry out the limited functions that relate to the day-to-day activities and urgent matters which shall be subject to the further orders of the Hon'ble Supreme Court of India;

(iii) They shall not perform anything concerning the matters which will have a permanent effect, such as leasing of the immovable property; the same shall be addressed before the Hon'ble Supreme Court of India;

(iv) With respect of the leases that are expiring, the petitioner can give a temporary permission letter for the lessees to continue, and they can approach the Hon'ble Supreme Court of India for further clarification;

(v) The other issues, whether the petitioner can still claim to be a Bishop's Commissary, are not decided by this Court for the purpose of this Writ Petition;



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(vi) It is made clear that the order is passed in a situation where the difficulty is expressed on behalf of the Administrators in representing the respondent or contesting the matter;

(vii) No costs. Consequently, the connected miscellaneous petition is closed.

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Neutral Citation : No

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