



WEB COPY

A.No.3370 of.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A.No.3370 of 2025

in

C.S.No.86 of 2022

D.Bright Joseph

... Applicant/7th Defendant

vs.

1.Zeam Knock

2.Sarijine Thomas

3.Azaraiah Yesudas

4.Kommula Naveen

5.Church of South India

Rep., by its Moderator, Most,

Rev., Dharmaraj Rasalam, CSI Synod Secretariat,

CSI Centre, No.5, Whites Road, Royapettah,

Chennai – 600 014.

6.Church of South India Trust Association,

Rep., by its Hon'y Secretary,

Mr.C.Fenandes Rathina Raj,

CSI Synod Secretariat, CSI Centre,

No.5, Whites Royapettah, Chennai – 600 014.

7.Most Rev. Dharmaraj Rasalam

Moderator, Church of South India,

CSI Synod Secretariat, CSI Centre,

No.5, Whites, Royapettah, Chennai – 600 014.

8.Mr.Reuben Mark

Deputy Moderator, Church of South India,



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CSI Synod Secretariat, CSI Centre,
No.5, Whites, Royapettah, Chennai – 600 014.

9.Mr.Dharmanesa Selvin

10.Mr.P.Kirubai Raj

... Respondents/Defendants

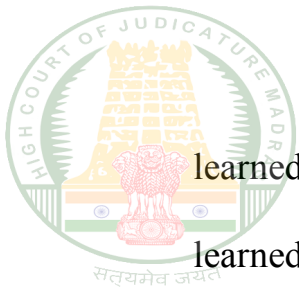
For Applicant : Mr.S.Thankasivan

For Respondent : Mr.Vineet Subramani for
Mrs.K.Thilageswari for RR1&2
Mr.Prem Anandhan for RR3 & 4
Mr.V.Prakash Sr., counsel for
Mr.Adrian D.Rozario for RR5 to 8
Mr.J.Kingsly Solomon for RR9 & 10
Mr.Muthukumar Sr.counsel for
M/s.Paul & Paul for Election Officer

ORDER

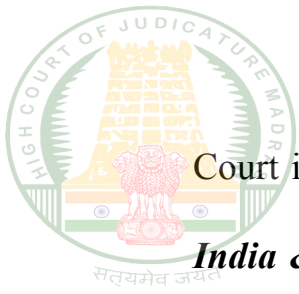
This Application had been filed to direct the Hon'ble Election Officer appointed by this Court by its common order dated 05.09.2023 in A.No.57 of 2023 in C.S.No.86 of 2022, to adopt secret ballot system in the Bishop council meeting viz., the first stage of election for Moderator of 1st respondent CSI, till the election/approval by the Synod Council is done.

2) Heard Mr.S.Thankasivan learned Counsel appearing for the applicant, Mr.Vineet Subramani learned counsel appearing for Mrs.K.Thilageswari



learned counsel for the first and second respondents Mr.Prem Anandhan, learned counsel appearing for the third and fourth respondents, Mr.V.Prakash learned Senior counsel appearing for Mr.Adrian D.Rozario, learned counsel appearing for the respondents 5 to 8 and Mr.J.Kingsly Solomon, learned counsel appearing for the respondents 9 and 10.

3. Mr.V.Prakash learned Senior counsel appearing on behalf of the respondents 5 to 8 had vehemently contested the application by taking this Court to the various provision of the Constitution and the bye-laws of the Church of South India (hereinafter referred to as “CSI”). He would submit that the Bishop's Council meeting is a meeting among themselves to nominate a Bishop to the post of Moderator, after which the same will be placed before the members of the Synod for the election by ballot. Only if the nominated Bishop fails to secure the affirmative votes of the majority members of the synod, the Bishop Council can either propose one other name or choose two names by secret ballot among themselves to be placed before the members of the Synod for further election. Therefore, he would submit that if any direction is issued as prayed for, it could be contrary to the Constitution and the bye-laws of the CSI which has been affirmed by the Division Bench of this



Court in the case of ***Dr.R.Jayakaran Issac & Ors., vs. The Church of South India & Ors.***, reported in ***2017 (1) CTC 449***. He had also taken this Court to

the various portions of the judgment, wherein bye-laws were held to be not in derogation of the Constitution.

4. On the contrary, Mr.Vineet Subramani, learned counsel for the respondents 1 & 2 and Mr.Thankasivan, learned counsel appearing for the applicant drawing attention to the order of this Court setting aside the Election to the post of the Moderator and appointment of the Election Officer and the Hon'ble Apex Court confirming the order of this Court while interfering the judgment of the Division Bench of this Court would submit that this Court had held that the nomination of the Bishop Council itself was erroneous and they would plead that the Bishop Council was influenced by other office bearers. They would further submit that threats have been weilded by the office bearers to the Bishop to nominate a particular individual. It is to be noted that the same has not been supported by any statement of any of the Bishops.

5. Be that as it may, this Court after given a finding that the election to the post of Moderator held for the tenure 2023 – 2026 was flawed for the reasons indicated therein has appointed an Election Officer which has also



been affirmed by the Hon'ble Apex Court. Pursuant to the orders passed in the applications arising out of this suit, the Election Officer had proceeded to call for the meeting of the Synod for the purpose of electing the Moderator. To give a quietus to various allegations which have been placed before this Court to conduct to the issue, without entering upon the election to the post of Moderator as per the Constitution and the Bye-laws of the CSI, this Court is compelled to issue the following directions to put to rest the disputes between the parties which would effectively comply with the directions issued by this Court and affirmed by the Hon'ble Apex Court.

6. The contentions raised by the learned respective counsels are not recorded in this order considering the brevity of time, necessity and urgency as the election is scheduled to be held on 21.07.2025 and in such view of the matter, the following suggestions are made to the Election Officer appointed by this Court which will also satisfy the Constitution and Bye-laws of the CSI

:-

- a) The learned Election Officer shall on the said date first arrange for a Bishop's Council for nominating a candidate to



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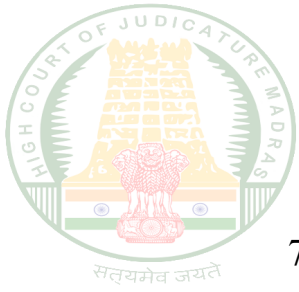


the Office of the Moderator;

b) He shall prepare the list of Bishops to be circulated to each of the Bishops who shall give the preference of nomination after the Bishop's Council ;

c) The learned Election Officer shall verify the nominations made by the Bishops and if they had unanimously nominated a person or nomination of a Bishop has 2/3rd majority, then he shall announce the nomination of the candidature for the post of Moderator and proceed to conduct election by placing the nomination before the members of the synod for election through ballot. If there is no unanimity or an even by 2/3rd majority, the election officer shall again convene the Bishop's Council for nomination of 2 candidates through secret Ballot.

d) The learned Election Officer shall ensure that no other person other than the Bishops attend the Bishop's Council.



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7. The learned Election Officer had also filed a Memo today, placing on record certain facts and had sought for various directions.

8. This Court taking judicial notice of the fact of harassment faced by the learned Administrator appointed by this Court in respect to the conduct of election for certain Dioceses, deem it necessary to grant Police protection during the election process. As regards to the request to provide remuneration fixed by the Election Officer to the Advocates assisting in the Election process, it is to be noted that this Court while passing orders on 05.09.2023 in the applications, had directed payment of further fees and expenses of the Election Officer and the person assisting him.

9. Since, the Election Officer has been appointed to conduct election to the post of the Moderator to the Synod and that the litigations have been instituted arraying the Election Officer also as a party to the litigation, it is the duty of the first defendant to make necessary payments towards fees and other expenses incurred by the Election Officer in defending the litigations. The learned Election Officer had also sought for empowerment to take suitable &



necessary immediate action in execution of all related tasks and to address any issues that may arise during the election for the orderly conduct of the election.

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When the Election Officer has been appointed by this Court, it is imperative that he ought to be empowered with authority to take suitable and necessary action as required for an orderly conduct of the elections.

10. In such view of the matter, further directions are also issued:-

a) The Commissioner of Police, Greater Chennai City shall instruct the Inspector of Police, Kilpauk Police Station, Chennai to provide sufficient police protection at the venue where the Election is conducted on 21.07.2025 and ensure maintenance of law and order and peaceful process of election by nominating an officer in the rank of an Assistant Commissioner to oversee the same;

b) The first defendant is directed to bear the professional fees for the litigations in which the Election Officer had engaged the services of the Advocates.



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c) The Election Officer is empowered to take suitable and necessary steps in all election related tasks for an orderly conduct of election of the Moderator;

11. Mr.Adrian D.Rozario, learned counsel for CSI would request this Court to indicate that the above order should not be a precedent in future.

12. In view that this order is being made in the peculiar facts and circumstances of the case by considering the necessity and urgency, it is made clear that the same shall not be considered as a precedent in the future.

13. In fine, the application is disposed of. However there shall be no order as to costs.

18.07.2025

Index : Yes / No
Internet : Yes / No
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Note: (a) Registry is directed to issue copy today

(b) Registry is also further directed to mark a copy of this order to the



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Commissioner of Police, Greater Chennai City forthwith through a special messenger.

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