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Crl.RC.No.2153 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.2153 of 2024 and
Crl.M.P.No.17015 of 2024 and
Crl.M.P.No.2288 of 2025

Rev. A.Jacob Livingston
Secretary of Erode-Salem Diocese
119-123, CSI Compound, Brough Road
Erode - 638 001

... Petitioner

Vs.

1. Executive Magistrate cum
Revenue Divisional Officer
Erode Division, Erode, Erode District

2. The Inspector of Police
Erode Town Police Station
Erode, Erode District

... Respondents

Prayer: Criminal Revision Case filed under under Section 438 read with 442 of B.N.S.S. to call for the records relating to the order dated 23.11.2024 made in Na.Ka.6393/2024/AA2 by the first respondent, to set aside the same.



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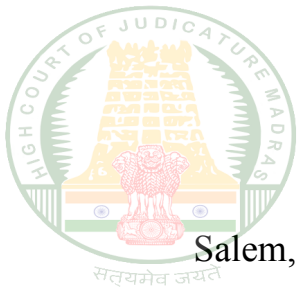
CrI.RC.No.2153 of 2024

For Petitioner : Mr.P.Elaya Rajkumar
for Mr.R.Krishnan
For Respondents : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order dated 23.11.2024 made in Na.Ka.6393/2024/AA2 by the first respondent.

2. The case of the petitioner is that CSI Diocese has jurisdiction over churches and institutions situated at 8 districts namely Coimbatore, Nilgiris, Tiruppur, Erode, Salem, Namakkal, Dharmapuri and Krishnagiri. The jurisdiction of Coimbatore Diocese was vast, which necessitated the talks for bifurcating Coimbatore Diocese into two as early as in the year 1994. However, it was materialized only in the year 2020. As such, during the year 2020, the Coimbatore Diocese was bifurcated into two viz. (A). Consisting areas of Coimbatore and Nilgiris (B) Consisting of Tiruppur, Erode, Namakka,



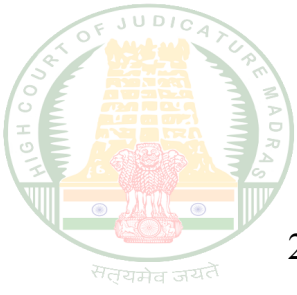
CrI.RC.No.2153 of 2024

Salem, Dharmapuri and Krishnagiri.

WEB COPY

2.1 Subsequently, there was a strong objection only with regard to attaching Erode and Tiruppur with new Diocese. In view of the same, the implementation of the bifurcation was kept under abeyance. Thereafter, Committee was formed by Synod to carry out a feasibility study. The said Committee after having extensive study about territorial boundaries, sharing of churches, institution, properties and income in a balanced way, submitted its report to the Executive Committee of the Synod on 15.12.2022. The Synod Executive Committee unanimously approved the report. The report suggested the bifurcating of the Diocese in the following manner:

1. CSI Coimbatore diocese-Consisting areas of Coimbatore and Nilgiris and Tiruppur
2. CSI Erode-Salem Diocese-Consisting of Erode, Namakkal, Salem, Dharmapuri and Krishnagiri.



Crl.RC.No.2153 of 2024

2.2. The above report was further tabled in the CSI Synod Council held at Hubli on 13.01.2023 to 15.01.2023. The Synod Council, unanimously accepted the report. This approval accorded by the Synod Council was communicated to CSI Coimbatore and Erode-Salem Diocese, vide Moderator's Letter dated 16.01.2023.

2.3. The bifurcation had been given effect to and the bifurcated Dioceses started to function from January 2023. The shared institutions, churches inclusive of CSI-Brough memorial church are also functioning under new respective heads. The change in properties, rental lease agreements and other consequential actions have been carried out separately.

2.4. The new Bishop election and Council election has also been conducted for the newly carved Erode-Salem Diocese after following due process as contained under the CSI constitution. Accordingly, Erode-Salem Dioceses, Secretary conducted the meeting at Christian Women College Auditorium as per rules and regulation. The meeting was conducted for

4/11



CrI.RC.No.2153 of 2024

maintaining the churches; resolve problem in some of churches; Christmas and

new year meeting, celebrations; getting permission for marriage registration;

maintain other educational institutions, Nursery College; Hostels; Art collects

etc.

2.5. When the meeting was going on, all of a sudden, a group of people headed by one K.R.John, created problem and stopped the meeting with a deliberately. The person who created the problem, achieved their goal, which resulted in serious problem in running the Salem-Erode Diocese routine work. Hence, a complaint was lodged before the 2nd respondent police and the same was acknowledged in CSR No.119 of 2024 and the counter complaint was also registered and issued CSR No.120 of 2024. The 2nd respondent police forwarded the two complaints to the 1st respondent under Section 107 Cr.P.C. for peace meeting.

2.6. The 1st respondent conducted enquiry on various dates. Pending the proceedings, the petitioner submitted a requisition letter dated 05.11.2024 to



Crl.RC.No.2153 of 2024

the 1st respondent seeking permission to do Christmas and new activities, but

WEB COPY

the same was not considered. Subsequently, after considering all the aspects along with Government Advocate Opinion, 1st respondent closed the proceedings under Section 107 Cr.P.C. vide order dated 14.11.2024 by directing the 2nd respondent to take action against the persons who create law and order problem.

2.7. Since the entire works were not progressed and kept in an abeyance from 26.08.2024, they took steps for further activities by approaching the 2nd respondent police for getting police protection to conduct a meeting on 21.11.2024. While that being the situation, all of a sudden, the very next day, 1st respondent issued show cause notice dated 22.11.2024 under Section 126 of B.N.S.S. to both the parties fixing date on 23.11.2024 for enquiry.

2.8. On receipt of notice, the petitioner along with other members appeared before the 1st respondent and explained the facts in detail. After hearing the submissions of both the parties, the 1st respondent arbitrarily passed



Crl.RC.No.2153 of 2024

an interim order to maintain status quo and also restrained them from doing

any of the administrative work and adjourned the matter to 17.12.2024.

Aggrieved by the said order, the present revision is filed.

3. The learned counsel for the petitioner submitted that under Section 126 of BNSS, the 1st respondent has no authority to pass such an order and at the best, under Section 126 of BNSS, they can direct the parties to execute bond to maintain peace and that the 1st respondent has no authority to give any directions as mentioned in the impugned order. Therefore, the impugned order has to be set aside.

4. Heard both sides and perused the materials available on record.

5. A careful reading of the records shows that even though the 1st respondent passed the order on 14.11.2024 to maintain the law and order and directed the 2nd respondent to take action against the persons, who create law and order problem, the said order was not challenged by the petitioner.

Subsequently on 22.11.2024, the 1st respondent issued proceedings under



Crl.RC.No.2153 of 2024

Section 126 of BNSS (Section 107 Cr.P.C.) calling for explanation as to why

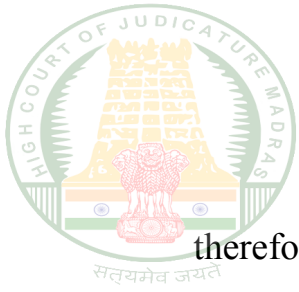
WEB COPY

the parties be not directed to execute bond for maintaining peace for one year.

Accordingly, on 23.11.2024, after convening a meeting with the parties, the 1st respondent passed the impugned order, in which status quo has been ordered and the parties have been restrained from carrying out any administrative works.

6. Even a perusal of the orders dated 14.11.2024 and 23.11.2024 passed by the 1st respondent shows that the 1st respondent passed the orders only by taking into consideration of the submissions of the parties and since there was a legal proceedings already pending between the parties, ordered status quo and restrained the parties from carrying out any administrative works in the Church, that too only in order to maintain law and order.

7. Therefore, this Court does not find any reason showing that the 1st respondent exceeded its jurisdiction. The impugned order is passed within the domain of the 1st respondent that too in order to maintain the law and order and



Crl.RC.No.2153 of 2024

therefore, the proceedings of the 1st respondent dated 23.11.2024, need not be interfered.

WEB COPY

8. Accordingly, this Criminal Revision Case is dismissed. Consequently, the connected Miscellaneous petitions are closed.

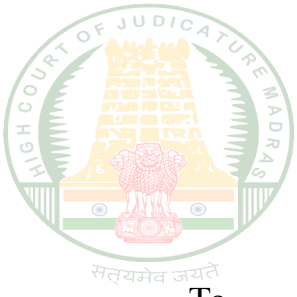
12.02.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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Crl.RC.No.2153 of 2024

To
WEB COPY

1. Executive Magistrate cum
Revenue Divisional Officer
Erode Division, Erode, Erode District
2. The Inspector of Police
Erode Town Police Station
Erode, Erode District
3. The Public Prosecutor
High Court of Madras



WEB COPY



Crl.RC.No.2153 of 2024

P.VELMURUGAN. J.

Ksa-2

Crl.RC.No.2153 of 2024

12.02.2025