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WP(MD)Nos.14342 of 2024, 17382 and 21725 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 28.10.2025**

**CORAM**

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

**WP(MD)Nos.14342 of 2024, 17382 and 21725 of 2025**

**and**

**WMP(MD)Nos.13244, 13245, 13246, 13249, 13950, 16825, 16826 and  
16827 of 2025**

**in WP(MD)No.14342 of 2024 : -**

G.Selvakumar

... Petitioner

Vs.

1.The Church of South India,  
Rep.by General Secretary,  
No.5, Whites Road, Royapettah,  
Chennai – 14.

(R1 is amended vide order dated 26.09.2025)

2.The Tirunelveli CSI Diocese,  
Rep.by its Bishop,  
Tirunelveli CSI Diocese,  
No.5, Punithavathiar Street,  
Palayamkottai, Tirunelveli,  
Tirunelveli District.

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to continue and hold the elections process done already for 2024-2027 in respect of the Pastorate Committees, Church Councils, Diocesan Council and Executive Committee in respective CSI Diocese of



Tirunelveli within a stipulated time period, by appointing an Election Officer or Committee or Administrators by this Court.

For Petitioner : Mr.C.Murugavel

For Respondents : Mr.V.Prakash, Senior Counsel  
for M/s.Ajmal Associates for R1

**in WP(MD)No.17382 of 2025 : -**

S.Jesu Jegan

... Petitioner

Vs.

- 1.The Deputy Moderator,  
CSI Synod, No.5, Whites Road,  
Royapettah, Chennai – 600 014.
- 2.General Secretary (CSI) &  
Honorary Secretary (CSI TA),  
No.5, Whites Road,  
Indira Garden, Royapettah,  
Chennai – 600 014.
- 3.The Honrary Treasurer (CSITA & CSI),  
No.5, Whites Road,  
Indira Garden, Royapettah,  
Chennai – 600 014.
- 4.Rt.Rev.Dr.ARGST, Barnabas,  
Bishop, Diocese of Tirunelveli,  
Chairman / Manager of the Colleges  
of Diocese, under the Truestee of TDTA,  
Bishopstower, No.15, North High Ground Road,  
Palayamkottai, Tirunelveli District – 627 002.
- 5.The Administrative Secretary,  
Administrative Committee,  
Tirunelveli Diocese, Tirunelveli District.



6.The Financial Administrator,  
Tirunelveli Diocese,  
Tirunelveli District.

7.The Director of Collegiate Education,  
577, Anna Salai, Saidapet,  
Chennai – 15.

8.The Regional Joint Director of  
Collegiate Education,  
Tirunelveli Region, Tirunelveli.

9.The District Educational Officer,  
Tirunelveli.

10.The District Educational Officer,  
Tenkasi.

11.J.Peter John  
(R11 impleaded vide order dated 08.07.2025)

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned Order in M01/22/511/25 dated 22-05-2025 passed by the 1st respondent and quash the same and consequently appoint a former judge or judges of this Court as Administrators for conducting the election from the grass root to the diocesan council for the triennium 2025-2028 in accordance with the diocesan constitution and pass such further or other orders as this court may deem fit and proper in the circumstances of this case and thus render justice

For Petitioner : Mr.Vineeth Subramanian  
for Mr.K.Kaviarasan



For Respondents : Mr.V.Prakash, Senior Counsel  
for M/s.Ajmal Associates for R1 to R3

Mr.P.P.Alwin Balan for R4

Mr.T.Amjad Khan,  
Government Advocate for R7 to R10

**in WP(MD)No.21725 of 2025 : -**

Maruthu D Devan

... Petitioner

Vs.

- 1.Registrar of Companies,  
Southern Region, Ministry of Corporate Affairs  
Shastri Bhawan, Chennai 600006.
- 2.The Director of Collegiate Education,  
577, Anna Salai, Saidapet, Chennai – 15
- 3.The Regional Joint Director of Collegiate Education,  
Tirunelveli Division, Tirunelveli.
- 4.District Educational Officer,  
Tirunelveli.
- 5.District Educational Officer,  
Tenkasi.
- 6.State Bank of India,  
Palayamkottai Branch  
Tirunelveli District.
- 7.State Bank of India,  
Tirunelveli Branch  
Tirunelveli District.



8.State Bank of India,  
Perumalpuram Branch  
Tirunelveli District.

9.Tamilnadu Mercantile Bank,  
Palayamkottai Branch  
Tirunelveli District

10.Indian Overseas Bank  
Palayamkottai Branch  
Tirunelveli District

11.Canara Bank  
Palayamkottai Branch  
Tirunelveli District

12.Indian Bank  
Palayamkottai Branch  
Tirunelveli District

13.HDFC Bank  
Vannarapettai Branch  
Tirunelveli District

14.The Moderator  
CSI Synod and Chairman (CSITA)  
Synod Office, No.5 Whites Road  
Indira Garden, Royapettah  
Chennai – 14.

15.The General Secretary  
CSI Synod and Honorary Secretary (CSITA)  
Synod Office, No.5 Whites Road  
Indira Garden, Royapettah, Chennai - 14

16.The Honorary Treasurer  
CSI Synod and Treasurer (CSITA)  
Synod Office, No.5 Whites Road  
Indira Garden, Royapettah  
Chennai - 14



17. Bishop/Chairman TDTA  
Under the Trustee T.D.T.A. Tirunelveli Diocese  
Bishopstower, No.15, North High ground Road  
Palayamkottai, Tirunelveli District - 627 002

18. The Administrative Secretary  
Administrative Committee,  
Tirunelveli Diocese,  
Tirunelveli District

19. The Financial Administrator  
Administrative Committee  
Tirunelveli Diocese,  
Tirunelveli District

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for records relating to the impugned order in M01/23/531/2025 dated 05.09.2025 passed by the 1<sup>st</sup> respondent and the consequential impugned order in MC/01/2025 dated 07.09.2025 passed by the 3rd respondent and quash the same and consequently appoint a former Judge or Judges of this Court as Administrators for conducting the election from the grass root to the diocesan council for the triennium 2024-2027 in accordance with the diocesan constitution and thus render justice.

For Petitioner : Mr.Vineeth Subramani  
for Mr.V.S.Koshok Kumar

For Respondents : Mr.T.Amjad Khan,  
Government Advocate for R2 to R5  
Mr.C.Karthickk for R6 to R8 and R12  
Mr.Deepak for R10  
Mr.V.Balasubramanian for R11  
Mr.V.Prakash, Senior Counsel  
for M/s.Ajmal Associates for R14 to R16  
Mr.P.P.Alwin Balan for R17

**ORDER**

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Heard both sides.

2.In two of these writ petitions, the proceedings dated 22.05.2025 issued by the Synod Secretariat, Church of South India, Chennai appointing an administrative committee for the management of Tirunelveli Diocese and to convene / complete the election process for the diocesan council for the triennium 2024 – 2027 has been primarily assailed. The consequential proceedings are also under challenge.

3.The term of the Tirunelveli Diocesan Council expired on 12.04.2024. Unfortunately, the Executive Committee of the Diocesan Council had not taken steps well in time to set in motion the election for constituting the new Committee for the succeeding triennium. In such an event, the Synod is empowered to step in. But during the relevant time, the election of the office-bearers of the Synod itself was under challenge in C.S No.7 of 2023 on the file of the Original Side of the Madras High Court. Vide order dated 12.04.2024 in OSA No.198 of 2023 etc., the Committee of Administrators comprising two retired Judges of the High Court was appointed to take charge of the administration of the Church



of South India. Challenging the same, SLP(C)No.9079-9081 of 2024 was filed and interim order was granted. Finally, vide order dated 02.05.2025, the appointment of the administrators was set aside. It is in this background, three of the office-bearers of the Synod issued the impugned proceedings dated 22.05.2025 with regard to the Tirunelveli Diocese. By the impugned proceedings, an administrative committee was appointed. It was made responsible for the general management and good government of the diocese with all incidental powers. The administrative committee was mandated to arrange to convene/complete the election process and convene the new diocesan council for the remainder of the triennium 2024-27.

4.The learned counsel for the writ petitioners took me through the contents of the affidavits filed in support of the respective writ petitions. Written submissions have also been made. The petitioners want me to quash the impugned proceedings and allow these writ petitions.

5.The contesting respondents have filed counter affidavits and the learned Senior Counsel took me through their contents. The primary objection of the contesting respondents is that these writ petitions are not



maintainable and that at the instance of a handful of individuals, interference is not warranted.

6.I carefully considered the rival contentions in the light of the provisions of the Constitutions governing the CSI as well as the Tirunelveli Diocese and went through the materials on record.

7.The history of Tirunelveli diocese has been succinctly captured in the order dated 05.08.2019 in W.P.(MD)No.21134 of 2017 etc batch by the Hon'ble Mr.Justice R.Mahadevan (as His Lordship then was). The Tirunelveli diocese is an incorporated body governed by its own Constitution. But its preamble makes it clear that “no provision of this Constitution shall be of force if the Synod shall rule that such provision is at variance with anything contained in the Constitution of C.S.I.”. While the Church of South India is a union of various dioceses, the Synod is its highest representative body. Each diocese is governed by a Diocesan Council with a fixed term of three years.

8.Two issues arise for consideration. The first is whether these writ petitions are maintainable. The second is whether the impugned action



taken by the Synod and the consequential measures are liable to be quashed.

9.The learned Senior Counsel appearing for the Synod relied upon the decisions of the Hon'ble Supreme Court reported in **(2023) 4 SCC 498 (S.Mariy's Education Society Vs. Rajendra Prasad)** and **(2025) SCC OnLine SC 1192 (Dileep Kumar Pandey Vs. Union of India)** and contended that this Court ought not to entertain these writ petitions.

10.I am not swayed by this objection. The Full Bench of the Madras High Court in the decision reported in **2024 (2) CTC 369 (D.Bright Joseph Vs. CSI)** had held as follows:-

“24. To summarize the issue now in reference, it can be stated that:

(i) the respondents 1 and 2 are running 2300 schools, 150 colleges and 104 hospitals in India. Therefore, the public duty that they discharge falls within the contours of Article 21 and 21A of the Constitution of India.

(ii) The Courts have emphasized that educational institutions which nurture and develop young minds should ensure quality education and high standards of integrity to the persons passing through



their institutes. Therefore, persons administering and managing these institutions should be above board.

(iii) Since the educational institutions run by respondents 1 and 2, both aided as well as unaided, are bound by statutory regulations of varying degrees, they are amenable to the writ jurisdiction. Any act of the management who are in administration of these institutes / hospitals likely to bring down the standards of both education as well as medical services can be challenged by any person invoking the rights under Article 226 and in that sense, respondents 1 and 2 would fall within the category of any person or authority as described under Article 226 of the Constitution of India.

(iv) The educational agency of the institutions run by the first respondent is the Synod and the Constitution of the Synod has a direct impact on the quality and standards of the educational institutions/hospitals. Therefore, any act impairing / impacting the process of electing the Synod would have a direct impact on the quality and standard of these institutions/hospitals.

(v) Apart from running educational institutions, respondents 1 and 2 are also maintaining churches and discharging functions of the clergy. These functions are outside the scope of judicial review under Article 226 of the Constitution of India.



(vi) A person aggrieved by the acts of respondents 1 and 2 relating to the above can definitely move this Court under Article 226 of the Constitution of India to ensure the due compliance of this public duty .”

A careful reading of the above leads me to the conclusion that any act impacting or impairing the process of electing the Synod would be amenable to challenge in writ proceedings. It is indisputable that representatives to Synod are also elected from the Diocese (Chapter IX of the CSI Constitution). If the Diocesan elections are vitiated, it would definitely have an adverse impact on the Synod election. In that view of the matter, the Diocesan election process can be the subject matter of a writ petition.

11.It is possible to apply the Full Bench decision in another way also. Whatever applies to the Synod election would apply to a Diocesan election also. The Tirunelveli Diocese manages a number of aided colleges, higher secondary schools, special schools and teacher training institutes. The reason which led the Full Bench to hold that writ petition against Synod is maintainable is that it is running a number of aided educational institutions. When the Diocese is also running such



institutions, any act that has a bearing on the election to the Diocese should also be amenable to Writ jurisdiction. I am only applying the very same logic. I therefore hold that these writ petitions are very much maintainable. The decisions of the Hon'ble Supreme Court relied on by the learned Senior Counsel for the respondents are authorities for the proposition that writ petitions against private educational institutions will not be maintainable when no element of public law is agitated or otherwise made out. When there is a Full Bench decision pertaining specifically to the CSI diocese, it is only just and proper that I test the issue of maintainability on its anvil.

12.The learned Senior Counsel for the Synod relied on a contra ruling of the Division Bench. When the Full Bench decision is still holding the field, it cannot be watered down by a Division Bench. Therefore, I hold that these writ petitions are maintainable.

13.The term of the previous council expired on 12.04.2024. In fact, the executive committee of the Diocesan Council should have set in motion the arrangements for electing a new council. In this case, such steps were not taken. Therefore, as per Rule 3 of Chapter IV of the



Constitution of Tirunelveli Diocese, the Bishop of the diocese was empowered to make temporary arrangements for the proper administration of the diocese.

14.Rule 12(D) of Chapter VIII of the CSI Constitution states that in case the new council cannot be convened within three months from the expiry of the term of the old council, the Synod shall take steps for the proper administration of the diocese.

15.Thus, there is an apparent repugnancy between Rule 3 of Chapter IV of Tirunelveli Diocesan Constitution and Rule 12(D) of Chapter VIII of CSI Constitution. Rule 9 of Chapter VIII of the CSI Constitution reads that no Diocesan Constitution or any alteration therein shall be of force if the Synod or the executive committee of the Synod shall rule that such Constitution or alteration therein is at variance with anything contained in this Constitution. But admittedly, no formal ruling has come from Synod as regards the variance. Therefore, the Diocesan Constitution will have to be followed. Probably that was why, it was ruled vide order dated 05.08.2019 in W.P.(MD)No.21134 of 2017 etc batch that CSI Synod has no role to play in conducting the election of the



Diocesan Council as it purely falls within the internal administration of Tirunelveli Diocese. This order was confirmed by the Hon'ble Division Bench vide order dated 25.02.2020 in W.A.(MD)No.878 of 2019 etc batch. The respondents have tried to distinguish the said decision on facts. They point out that in the earlier case, the Synod had superseded the elected body of the diocese and dissolved the same whereas in the case on hand, the term of the elected body had expired on 12.04.2024 itself. But in the cases mentioned above, the proposition that was laid down was not conditioned by the case facts. I, therefore, hold that these writ petitions will have to be allowed in the light of the aforesaid orders in W.P.(MD)No.21134 of 2017 and W.A.(MD)No.878 of 2019.

16.Ground “O” in W.P.(MD)No.17382 of 2025 specifically challenges the *locus standi* of the respondents 1 to 3 to issue the impugned order on the ground that it is in violation of CSI Constitution as well as the Tirunelveli Diocese Constitution. It can be seen that the impugned order has been passed by the Moderator in-charge / Deputy Moderator, General Secretary and Treasurer alone. The petitioners argue that such intervention is wholly without jurisdiction.



17. Rule 6 of Chapter IX states that the officers of the Synod shall be a Moderator, a Deputy Moderator, a General Secretary and a Treasurer. Rule 28 delineates the composition of the executive committee of the Synod. It reads as follows:-

“28. The Executive Committee of the Synod shall consist of the Officers of the Synod (who shall be the officers of the Executive Committee), all the Diocesan Bishops and one Prebyter and two lay persons of whom one shall be a woman elected from among the representatives of each diocese in the Synod by those representatives and the President of the Women's Fellowship of the Church of South India (2015). In addition, not more than one Presbyter and 2 lay persons shall be nominated to the Executive Committee by the Moderator from among the members of the Synod.”

18. Rule 12A and 12D of Chapter VIII of the Constitution of the Church of South India, 2016 read as follows:

“12 A) The term of the Diocesan Council shall be three years. The Diocesan Constitution shall also state the month in which the term of the Council would normally begin, so that elections to the Diocesan Councils from the pastorates and other constituencies can be arranged accordingly. If for any reason the convening of the Council after fresh elections is delayed, such delay shall not prolong the life of the Council beyond the time stipulated in the constitution, subject to Clause (c) under this rule. The new council shall function only for the remainder of the term. (2015)



...

D) At least six months before the expiry of the term of the Council, the **Executive Committee shall set in motion the arrangements for electing a new Council**. In case the new Council cannot be convened within 3 months from the expiry of the term of the old Council, the Synod shall take step for the proper administration of the Diocese.(2015)”

Synod is a much larger body. By virtue of the aforesaid Rule, the Synod alone is empowered to take steps for the proper administration of the diocese. Even if one assumes that the executive committee can take decision on behalf of the Synod, it is seen that even the executive committee has not taken the impugned decision. The three office-bearers of the Synod mentioned above met and issued the impugned proceedings dated 22.05.2025 appointing an Administrative Committee for the Diocese to hold the elections. The respondents rely on the minutes of the Synod executive committee held on 15.01.2023 which authorised the Moderator and the other officers of the Synod to appoint administrative committees to keep the administration of the dioceses going. The learned Senior Counsel for the respondents would contend that since the aforesaid resolution has not been challenged, they hold good. I am not able to accept this justification. The Synod sitting as a body might probably give such an authorization. But the executive committee which



is itself a delegated authority cannot further delegate. (*Delegatus non potest delegare*). Admittedly, the minutes dated 15.01.2023 has not received the approval of the Synod. It was also not formally notified. In the CSI Constitution, there is no basis to sustain such an arrangement empowering the officers alone to appoint administrative committees to take over the management of the dioceses. The impugned proceedings are in clear breach of the Constitutions governing the CSI as well as the Diocese. The impugned proceedings dated 22.05.2025 are struck down as bereft of jurisdiction.

19.All is fair in love and war is an old adage. The respondents probably want to say that all is fair in elections also. No Court can endorse such a perilous proposition. Elections have to be conducted in a fair manner. Whenever the integrity of the electoral process is under challenge, it is the duty of the Court to repel the same.

20.Since the primary order dated 22.05.2025 has been quashed, all the consequential orders and proceedings also stand quashed. As per the Tirunelveli Diocesan Constitution, the Bishop will have to make further arrangements. In any event, there will not be any vacuum. There are



several committees to manage the various aspects of the diocesan administration. They will have to be in place till new committees are constituted. Since the tenure of the diocesan committee had come to an end, elections have to be held. Obviously, this process cannot be entrusted to one set of persons from the diocese. This is because allegations and counter allegations have been made. It is only just and proper that a neutral person oversees the entire election process. During the previous years also, retired Judges of this court were appointed and elections were held under their supervision and control. For instance vide order dated 05.08.2019 in WP(MD)No.21134 of 2017, Justice N.Paul Vasanthakumar and Justice P.Jyothimani were appointed as administrators. Even in the recent order dated 02.05.2025 passed by the Hon'ble Supreme Court, the finding of the learned Single Judge in C.S No.86 of 2022 regarding the appointment and role of retired High Court Judge was sustained. In fact, the Hon'ble Supreme Court in paragraph 61 set out the facts that warranted appointing an election officer to conduct the moderator's election. Considering the overall facts and circumstances, I am more than satisfied that holding a fair election warrants having a neutral authority as an election officer. I, therefore, appoint Hon'ble Mr.Justice V.Bharathidasan, Retired Judge of this Court



as Administrator to conduct election to constitute Diocesan Council for Tirunelveli Diocese for the triennium 2024 – 2027. The Hon'ble Administrator may fix his terms suitably and it shall be met out of the diocesan funds. It is open to the Hon'ble Administrator to appoint sufficient persons to assist him in the discharge of his functions and the entire expenditure shall be borne by the Tirunelveli Diocese.

21. These writ petitions are allowed, accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

**28.10.2025**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

SKM

**Note : Issue today (29.10.2025)**

**To:**

1. The Regional Joint Director of Collegiate Education, Tirunelveli Region, Tirunelveli.
2. The District Educational Officer, Tirunelveli.
3. The District Educational Officer, Tenkasi.



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WP(MD)Nos.14342 of 2024, 17382 and 21725 of 2025

**G.R.SWAMINATHAN, J.**

SKM

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**and**

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**28.10.2025**