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WP(MD)Nos.28202, 29598 and 29868 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2025

CORAM

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

WP(MD)Nos.28202, 29598 and 29868 of 2025

and

**WMP(MD)Nos.21922, 21924, 21925, 21927, 21929, 22897, 22898 and
22899, 23107, 23108, 23109 of 2025**

in WP(MD)No.28202 of 2025 : -

1.S.Arul Mayer

2.M.Mal Sornapandian

3.D.Rajmohan

4.Y.Chinnaraja Vinothkumar

5.P.Franklin Asaf Jebaraj

... Petitioners

Vs.

1.The Church of South India,
Rep.by its General Secretary,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah,
Chennai – 600 014.

2.The CSI Thoothukudi Nazareth Diocese,
Rep.by the Moderator Commissary,
The Rt.Rev.Dr.P.Isaac Varaprasad,
100, Beach Road, Caldwell School Campus,
Thoothukudi – 628 001.



3. Administrative Secretary,
CSI – Thoothukudi Nazareth Diocese,
100, Beach Road, Caldwell School Campus,
Thoothukudi – 628 001.

4. The District Collector,
Thoothukudi.

5. The District Educational Officer,
Thoothukudi.

6. D. Ebenezer Mangalaraj ... Respondents

(6th respondent impleaded
vide order dated 22.10.2025)

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records in Letter No.MC/01/2025 issued by the first respondent dated 07.09.2025 and quash the same as illegal, arbitrary and wholly without jurisdiction and for consequential orders.

For Petitioner : Mr.V.Raghavachari, Senior Counsel
for Mr.J.Kingsly Solomon

For Respondents : Mr.V.Prakash, Senior Counsel
for M/s.Ajmal Associates for R1 and R2

Mr.N.Dilipkumar for R3

Mr.M.Lingadurai,
Special Government Pleader for R4 and R5



in WP(MD)No.29598 of 2025 : -

WEB COPY

Jackrecen Joseph

... Petitioner

Vs.

- 1.The Church of South India,
Rep.by its General Secretary,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah,
Chennai – 600 014.
- 2.General Secretary,
No.5, Whites Road,
Royapettah, Chennai – 600 014.
- 3.Thoothukudi Nazareth Diocese,
Rep.by Rt.Rev.Dr.P.Isaac Varaprasad,
Moderator's Commissary,
100, Beach Road, Caldwell School Campus,
Thoothukudi – 628 001.
- 4.D.Neegar Prince Giftson,
Former Lay – Secretary / Administrative Secretary,
The CSI Thoothukudi - Nazareth Diocese,
100, Beach Road, Caldwell School Campus,
Thoothukudi – 628 001.
- 5.Rev.V.M.S.Tamil Selvan,
Former Vice Chairman,
The CSI Thoothukudi – Nazareth Diocese,
100, Beach Road, Caldwell School Campus,
Thoothukudi District – 628 001.



6.The District Collector,
The District Collector Office,
Thoothukudi.

7.The District Educational Officer,
Thoothukudi 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 1st respondent and the consequential impugned order in MC/01/2025 dated 07.09.2025 passed by the 3rd respondent and quash the same and to issue direction for continuance of Honorable Retired Judge of this Honble Court Dr.P.JYOTHIMANI as Administrator / Election Officer for conducting the election to the diocesan council in Nazareth Diocese which was stopped on 03.09.2025 and thus render justice.

For Petitioner : Mr.G.Prabhu Rajadurai
for Mr.K.K.Udayakumar

For Respondents : Mr.V.Prakash, Senior Counsel
for M/s.Ajmal Associates for R1 and R2

Mr.N.Dilipkumar for R4

Mr.M.Lingadurai,
Special Government Pleader for R5 and R6

Mr.T.Amjad Khan,
Government Advocate for R7



in WP(MD)No.29868 of 2025 : -

WEB COPY

Maruthu D Devan

Vs.

... Petitioner

- 1.The Church of South India,
Rep.by its General Secretary,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah,
Chennai – 600 014.
- 2.General Secretary,
No.5, Whites Road,
Royapettah, Chennai – 600 014.
- 3.Thoothukudi Nazareth Diocese,
Rep.by Rt.Rev.Dr.P.Isaac Varaprasad,
Moderator's Commissary,
100, Beach Road, Caldwell School Campus,
Thoothukudi – 628 001.
- 4.D.Neegar Prince Giftson,
Former Lay – Secretary / Administrative Secretary,
The CSI Thoothukudi - Nazareth Diocese,
100, Beach Road, Caldwell School Campus,
Thoothukudi – 628 001.
- 5.Rev.V.M.S.Tamil Selvan,
Former Vice Chairman,
The CSI Thoothukudi – Nazareth Diocese,
100, Beach Road, Caldwell School Campus,
Thoothukudi District – 628 001.
- 6.The Financial Administrator,
The CSI Thoothukudi - Nazareth Diocese,
100, Beach Road, Caldwell School Campus,
Thoothukudi – 628 001.



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,
Thoothukudi 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 1st 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 2024-2028 in accordance with the diocesan constitution and thus render justice.

For Petitioner : Mr.Vineeth Subramani

for Mr.P.P.Alwin Balan

For Respondents : Mr.V.Prakash, Senior Counsel

for M/s.Ajmal Associates for R1 and R2

Mr.N.Dilipkumar for R4

Mr.K.Govindarajan

for Mr.A.M.Packianathan Ester for R6

Mr.T.Amjad Khan,

Government Advocate for R7 to R9

**ORDER****WEB COPY**

The Church of South India was constituted by the Union, in 1947, of the Madras, Madura, Malabar, Jaffna, Kannada, Telugu and Travancore Church Councils of the South India United Church; the South India Province of the Methodist Church, comprising the Madras, Trichinopoly, Hyderabad and Mysore districts, and the dioceses of Madras, Dornakal, Tinnevely and Travancore and Cochin in the Church of India, Burma and Ceylon. It is an unincorporated body governed by what is called as the CSI Constitution. Its assets are administered by CSI Trust Association (CSITA) which is a registered company.

2.The Tuticorin – Nazareth Diocese comprising 113 Pastorates and 548 Churches was originally a part of the Tirunelveli Diocese. Each diocese is governed by a diocesan council. The tenure of the previous diocesan council expired on 25.05.2024. Election for the next triennium had to be conducted. 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)”

In the case on hand, such steps were not taken by the Executive Committee of the Diocesan Council. But Synod also could not intervene because during the relevant time, the affairs of the Synod were also locked in litigation. The Hon'ble Division Bench of the Madras High Court vide orders dated 27.02.2024 and 12.04.2024 had interfered with the election of the Synod office-bearers and also appointed a committee of administrators to conduct re-election. The administrators who were retired Judges of this Court sent more than one communication with regard to the affairs of CSI Tuticorin – Nazareth diocese. Those



communications were put to challenge in C.S No.225 of 2024 on the file of the Original Side of the Madras High Court by D.Neegar Prince Giftson (then Lay-Secretary) and Rev.V.M.S.Tamil Selvan (then Vice Chairman).

3.In the said civil suit, injunction was originally granted and subsequently vacated. Aggrieved by the same, O.S.A.No.247 of 2024 was filed. The Hon'ble Division Bench appointed Hon'ble Mr. Justice N.Paul Vasanthakumar as Interim Administrator to manage the day-to-day affairs of the Diocese and to conduct election which is due for the Diocese. Since Hon'ble Mr. Justice N.Paul Vasanthakumar was unwilling to act as Administrator, vide order dated 10.01.2025, the Hon'ble Dr.Justice P.Jyothimani, a retired Judge of Madras High Court was substituted. It was a consent order. The Hon'ble Dr.Justice P.Jyothimani promptly initiated steps for holding the election and published the election schedule also. The process was to commence on 06.07.2025 and conclude on 13.11.2025. The Bishop of Coimbatore Diocese who was appointed as Moderator Commissary for CSI, Thoothukudi Nazareth Diocese by the Synod made a paper publication on 14.08.2025 assuring full cooperation for conducting the election under the aegis of the



Administrator (Hon'ble Dr.Justice P.Jyothimani). The congregation was also requested to extend the same cooperation to conduct the election in a peaceful and fair manner.

4.The election process duly commenced. The voters list was finalised. As per the constitution governing the Diocese, elections have to be held at various levels. Many candidates at the Church Council level had been elected unopposed. In fact, most of the writ petitioners come under such category. At this stage, the plaintiffs in C.S No.225 of 2024 sought to withdraw the suit itself. As already noted, the said plaintiffs moved the Court assailing the action on the administrators appointed by the Division Bench for the Synod (Hon'ble Mr.Justice R.Balasubramaniam and Hon'ble Mr.Justice R.Bharathidasan). This appointment was set aside by the Hon'ble Supreme Court on 02.05.2025 in SLP(C)Nos.9079-9081 of 2024 (Dr.Vimal Sukumar v. D.Lawrence). Inspired by this development, the plaintiffs in C.S No.225 of 2024 hit upon the idea that if the suit itself is withdrawn, the Administrator appointed in the suit to conduct election will have to leave and Synod can seize control of the entire process. They first moved the Division Bench which relegated them to go before the Single Judge sitting on the



Original Side. Accordingly, on 11.07.2025, the suit was dismissed as withdrawn. But the Administrator appointed by the Court was to continue to discharge his functions till the handing over of charge to the newly elected Diocesan Council.

5. Aggrieved by the retention of the Administrator, the plaintiffs filed O.S.A.No.270 of 2025 before the Division Bench which by order dated 03.09.2025 held that once the suit itself was dismissed as withdrawn, any arrangement made during the pendency of the suit will also go and that the Interim Administrator cannot continue.

6. Challenging the said order dated 03.09.2025 passed by the Division Bench in O.S.A.No.270 of 2025, S.L.P.(Civil) Diary No.53533 of 2025 was filed before the Supreme Court which vide order dated 22.09.2025 disposed of the S.L.P. in the following terms:-

“We are not inclined to interfere with the impugned order.

However, liberty is granted to the petitioners / persons elected to work out their rights in the manner known to law.



Liberty is also given to the petitioners to seek necessary relief for the continuation of the administrator appointed by the High Court.”

7. Even though the Hon'ble Division Bench had observed that the Synod will hold the election and the Hon'ble Supreme Court did not interfere with the said order, I cannot lose sight of the fact that liberty was given to the petitioners in the SLP to seek continuation of the Administrator appointed by the High Court. Availing the said liberty, these writ petitions have been filed. The learned counsel appearing for the writ petitioners reiterated all the contentions set out in the affidavits filed in support of the respective writ petitions and called upon this Court to grant relief as prayed for.

8. The respondents primarily contend that these writ petitions are not maintainable. According to them, only a civil suit, if at all, will lie. They harp on the fact that the Apex body of the CSI is the Synod and that the Hon'ble Division Bench in O.S.A.No.270 of 2025 had held that it is for the Synod to conduct elections to Diocese by following the procedures contemplated under the bye-laws. The credentials of Shri.S.Arul Mayer have also been seriously questioned.



9. 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.

10. 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 Tuticorin Diocese manages a number of aided colleges, higher secondary schools, special schools and teacher training institutes. The reason for 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 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.

12.The *locus standi* of the writ petitioners cannot be doubted. Most of them were elected unopposed. As a result of the proceedings dated 05.09.2025 issued by the Moderator CSI, their election has been undone. The Moderator's Commissary had issued consequential proceedings dated 07.09.2025 appointing an Administrative Committee for Thoothukudi Nazareth Diocese with effect from 05.09.2025. It has been demonstrated before me that the said Administrative Committee had issued proceedings effecting transfers of various office-bearers and clergy. The election process now has to begin from step one. The specific allegation of the writ petitioners is that the Administrative Committee has appointed persons of their choice in key positions so as to ensure a favorable electoral outcome. They point out that Thiru.D.Neeger Prince Giftson who was the earlier Lay Secretary and who was the first plaintiff in C.S.No.225 of 2024 is one of the members of the Administrative Committee.



13.No doubt, when steps have not been taken for constituting a new Diocesan council by the existing executive committee, the Synod will step in. In this case, such intervention was not possible as the very election of the Moderator of the Synod was in issue. Before the said issue could be resolved by the Hon'ble Supreme Court, a consent order was passed appointing Hon'ble Dr.Justice P.Jyothimani as the Administrator to conduct election for Thoothukudi Diocese. The Hon'ble Administrator assumed charge and announced an election schedule also. The election process admittedly had commenced. Many including the writ petitioners were elected unopposed. It is at this stage that the plaintiffs in C.S.No. 225 of 2024 resorted to a clever strategem. The Administrator was appointed with their consent. Since they could not go back on their consent, they withdrew the suit itself. It is open to any plaintiff to abandon the suit instituted by him. The suit was rightly dismissed as withdrawn. However, question arose as regards the continuance of the Administrator. While the learned Judge sitting on the original side took the view that the Administrator will continue to discharge his functions till the constitution of the Diocesan Council, the Hon'ble Division Bench felt that once the suit was dismissed, any interim arrangement stood vacated. Therefore, the Hon'ble Administrator could not continue to



oversee the election process. In fact, the election process itself got aborted.

14.I have to now decide whether I can request and call upon the Hon'ble Administrator to restart the election process from the stage where it was stopped. The respondents would contend that I lack the jurisdiction to do so. I reject the stand of the respondents. This is for more than one reason. The Synod is empowered to step in and hold election for the Diocese only if there is a vacuum. In this case, there was not only no vacuum but the Administrator had taken solid steps to ensure that a duly elected Diocesan Council is in place by the second week of November, 2025. No occasion arose for the Synod to exercise its powers.

15.It is well settled that even if there is power, Court can intervene if the power is unreasonably exercised. The order of the Hon'ble Division Bench appointing the Hon'ble Dr.Justice P.Jyothimani as Administrator was a consent order. CSI Synod was a party to the proceedings. That during the relevant time, there were certain issues pertaining to the Synod is beside the point. Synod in the very nature of things is a continuing body. Even before me, Synod did not dispute the position that



Hon'ble Dr.Justice P.Jyothimani was appointed by consent. The Hon'ble Administrator could not continue to act only on account of the withdrawal of the suit and nothing else. This was a technical situation deliberately engineered by the plaintiffs in C.S.No.225 of 2024. Whether the Synod is justified in capitalizing the situation is a point for consideration. I have no doubt whatsoever in my mind that having been a consenting party to the order whereby the Administrator was appointed, the Synod could not have done anything that would even remotely undermine the arrangement. It should in all fairness have taken steps to facilitate continuance of the arrangement. This is all the more so because, the Moderator's Commissary on the instructions of the Synod had already given a paper publication not only offering cooperation but calling upon the congregation also to do likewise. Having taken such a stand, the Synod cannot now stand in the way of this Court from requesting the Hon'ble Administrator to continue the election process.

16.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 only 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.



17. Shri. Vineeth Subramani, learned counsel raised another formidable contention. He argued in the alternative that even if Synod has the power to intervene, this power cannot be exercised by the **The Three Musketeers** comprising the Moderator, General Secretary and the Treasurer. Synod is a much larger body. Assuming that the executive committee is empowered to take decisions on behalf of the Synod, in this case, the executive committee had not taken the impugned decision. He points out that just the three office-bearers of the Synod mentioned above met and issued the impugned proceedings dated 05.09.2025 appointing an Administrative Committee for the Diocese to hold the elections.

18. The learned Senior Counsel for the Synod rebutted that a resolution was passed by the executive committee in the year 2017 permitting such delegation in favour of the Moderator, General Secretary and the Treasurer. He would add that this resolution was never challenged.

19. I am not able to agree with the above contention of the respondents. The impugned proceedings dated 05.09.2025 does not refer to any such authorization or delegation. The Synod sitting as a body may



give such authorization. But the executive committee which is itself a delegated authority cannot further delegate. (*Delegatus non potest delegare*). Any such authorization which has not received approval of the Synod and which has not been formally notified cannot empower the G3 (Group comprising the aforesaid three officers of the Synod) to issue the impugned proceedings.

20. The rights of the writ petitioners have been seriously infringed. They were elected as Church Council members as per the constitution governing the diocese. The election process was being legitimately conducted under the aegis of the Hon'ble Administrator who was appointed by the Division Bench of the High Court on the basis of the consent given by the parties. Though following the dismissal of the suit as withdrawn, the Hon'ble Division Bench had held that the Administrator cannot continue to function, that cannot have the effect of effacing what has already taken place. In any event, it could not have deprived the writ petitioners of the status that had already accrued in their favour. Probably that was why, the Hon'ble Supreme Court gave liberty in express terms to seek continuation of the arrangement which was already in place. An act of court shall harm none (*Actus Curiae*



Neminem Gravabit). The Administrator was appointed by the Court and the order whereby his continuance was snapped cannot have any prejudicial consequence on accrued rights.

21.I have interfered with the impugned action of the Synod for four reasons:

- a) There was no cause of action for Synod to step in.
- b) The power of the Synod was unreasonably exercised.
- c) The Synod as a body did not issue the impugned order. The impugned order was issued by a group of three office-bearers and it is without jurisdiction.
- d) The impugned action adversely impacts the rights of the writ petitioners.

22.Since the primary order dated 05.09.2025 has been quashed, all the consequential orders and proceedings also stand quashed. The Hon'ble Dr.Justice P.Jyothimani is requested to resume his charge and continue the election process and take it to its logical conclusion. The Hon'ble Administrator (no more an interim administrator) is at liberty to fix his terms appropriately.



WEB COPY 23.The writ petitions are allowed, accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

27.10.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

SKM

Note : Issue order copy on 28.10.2025

To:

- 1.The Director of Collegiate Education,
577, Anna Salai, Saidapet,
Chennai – 15.
- 2.The District Collector,
Thoothukudi.
- 3.The Regional Joint Director of
Collegiate Education,
Tirunelveli Region, Tirunelveli.
- 4.The District Educational Officer,
Thoothukudi District.



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WP(MD)Nos.28202, 29598 and 29868 of 2025

G.R.SWAMINATHAN, J.

SKM

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