



O.S.A.Nos.10 to 13, 15 and 16 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2026

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CORAM :

The Hon'ble Mr.Justice N.SATHISH KUMAR
and

The Hon'ble Mr.Justice R.SAKTHIVEL

O.S.A.Nos.10 to 13, 15 and 16 of 2026
and

C.M.P.Nos.1392, 1391, 1395, 1398, 1439 and 1448 of 2026

Mr.D.Mohanraj Arumainayagam	.. Appellant in O.S.A.No.10 of 2026
Mr.M.Koilraj	.. Appellant in O.S.A.No.11 of 2026
Mr.J.Jebachandran	.. Appellant in O.S.A.No.12 of 2026
J.Jayakar	.. Appellant in O.S.A.No.13 of 2026
P.Franklin Asaf Jebaraj	.. Appellant in O.S.A.No.15 of 2026
Barnabas Devasuthan H	.. Appellant in O.S.A.No.16 of 2026

Vs.

1.Jeyaratchakar C,
Son of Chelladurai S,
Diocese Council Member,
Mannarayanthattu Pastorate,
CSI Thoothukudi-Nazareth Diocese,



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No.15G, Toovipuram 1st Street,
Thoothukudi-628 003.

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2.Rev.Jebakumar Jolly Jeremiah,
Son of Jeremiah,
Council Chairman, Bishop Robert Caldwell Church
Council & Pastorate Chairman, Caldwell Colony,
CSI Thoothukudi- Nazareth Diocese,
No.34A, Mission Kovil Street,
Madathuvilai, Arumagneri,
Thoothukudi District-628 202.

3.Church of South India,
represented by its General Secretary,
CSI Synod Secretariat, Royapettah,
Chennai-600 014.

4.Moderator Commissary / Bishop In-charge,
The CSI Thoothukudi- Nazareth Diocese,
100, Beach Road, Caldwell School Campus,
Thoothukudi-628 001.

5.The Administrator,
The CSI Thoothukudi Nazareth Diocese,
100, Beach Road, Caldwell School Campus,
Thoothukudi 628 001.

.. Respondents in
all O.S.As.

O.S.A.Nos.10, 11, 12, 13, 15 and 16 of 2026 have been filed under Order
XXXVI Rule 1 of Original Side Rules read with Clause 15 of Letters
Patent against the order of the learned Single Judge dated 26.12.2025 in
O.A.No.1204 of 2025 in C.S.No.311 of 2025.

For Appellants : Mr.S.Thankasivan for Ms.M.Akila
in OSA No.10 of 2026
Mr.J.Kingsly Solomon in OSA No.11 of 2026
Mr.V.Raghavachari, Senior Advocate



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assisted by Mr.J.Kingsly Solomon
in OSA No.12 of 2026
Mr.Vineet Subramani
in OSA Nos.13 and 16 of 2026
Mr.Sricharan Rangarajan, Senior Advocate
assisted by Mr.J.Kingsly Solomon
in OSA No.15 of 2026

For Respondents : Mr.AR.L.Sundaresan, Senior Advocate
assisted by
Mr.A.M.Packianathan Easter and
Mr.J.Eveden Raisa and
Mr.Agasthian J. Pandian for RR1 and 2
in OSA Nos.10, 11, 15 of 2026

Mr.A.K.Sriram, Senior Advocate
assisted by
Mr.A.M.Packianathan Easter and
Mr.J.Eveden Raisa and
Mr.Agasthian J. Pandian for RR1 and 2
in OSA Nos.12, 13 and 16 of 2026

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COMMON JUDGMENT

(Judgment of the court was made by N.SATHISH KUMAR, J.)

All these intracourt appeals have been filed by third parties who are said to have been elected as office bearers in various posts in the election conducted by the Administrator appointed by this Court in the previous legal proceedings. All the appellants herein have challenged the impugned order, dated 26.12.2025 passed by the learned Single Judge



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during the vacation sitting, restraining the Administrator from conducting the election on 13.12.2025, 30.12.2025 and 31.12.2025 and on any subsequent dates pursuant to the notice. This Court had granted leave on 09.01.2026 to file appeals by third parties on the ground that all the appellants were elected as office bearers in various capacities in the election conducted by the Administrator who was appointed by this court in the earlier proceedings. In pursuance of the leave granted by this court, all the appeals are before this court.

2.It is the grievance of all the appellants that though their applications to implead in the main suit are pending, the same has not been taken note of by the learned Single Judge. However, the orders have been passed and the learned Single Judge has in fact decided the rights of the parties and conclusively decided the issue as against the appellants herein without hearing them. Therefore, according to them, though it is an interim order, the same shall be construed as a judgment and therefore, the intra court appeals are maintainable under Clause 15 of Letters Patent.

3.The learned senior counsel appearing for the respondents 1 and 2 submits that the learned Single Judge has granted only an ad interim injunction and posted the matter after four weeks. Therefore, it is his contention that the appellants can canvass their grievance before the



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learned Single Judge and since the interim order alone is challenged, the appeals are not maintainable before this Court. It is his further contention that the present suit, under which interim orders came to be passed, are against the administrator from conducting election of the CSI Thoothukudi Nazareth Diocese scheduled to be held on 13.12.2025, 30.12.2025 and 31.12.2025 and on any subsequent dates. That suit has been filed mainly on the ground that the suit in C.S.No.225 of 2024 was dismissed as withdrawn but the administrator was allowed to continue to discharge his functions. As against the order of learned Single Judge, O.S.A.No.270 of 2025 has been filed before the Hon'ble Division Bench. The Hon'ble Division Bench while confirming the order of the learned single judge permitting the withdrawal of the suit, however set aside the order of the learned single judge continuing the administrator appointed by this court. The said order was also challenged before the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No.53533 / 2025, wherein Hon'ble Supreme Court did not interfere with the impugned order. While disposing of the SLP vide order dated 22.09.2025, Hon'ble Supreme Court has held as follows:

‘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.



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

4.With the above observation, the SLP filed by the third parties who were said to have been elected in the election conducted by the administrator, was disposed of. Hence, it is the contention of the learned senior counsel for the respondents that once the appointment of the administrator itself is set aside and confirmed by the Hon’ble Supreme Court, once again the issuance of election notice by the administrator appointed by this court alone is challenged before the learned Single Judge in a fresh civil suit in C.S.No.311 of 2025. Therefore, it is his contention that since the matter has been posted after four weeks, the appellants can approach the learned Single Judge and that the appeals are not maintainable.

5.Further, it is the contention that though liberty has been granted by Hon’ble Supreme Court in the SLP referred to above, instead of filing civil suit, writ petitions before the learned Single Judge of the Madurai Bench were filed in W.P.(MD)No.28202, 29598 and 29868 of 2025 for the administrator to resume charge. The learned single Judge allowed the writ petitions and requested the administrator to resume his charge and



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continue the election process. The said order has also been challenged in writ appeals in W.A.(MD)Nos.3069 to 3072, 3079, 3090 and 3091 to 3093 of 2025, wherein the Hon'ble Division Bench by consent granted status quo as on date to be maintained meaning that whoever is in the management at present will continue in management till the next date of hearing. According to learned senior counsel, the Hon'ble Division Bench has granted status quo only with regard to the management. Therefore, that status quo does not extend to conduct elections by the administrator. Therefore, the learned single Judge's impugned order in the present suit does not require any interference.

6.In the light of the above submissions, now the point that arises for consideration is whether the appeals are maintainable as against the order passed by the learned single Judge?

7.It is relevant to note that Clause 15 of Letters Patent provides for an intra-court appeal against any order or decree. Whether an interim order will be construed as judgment, it has to be seen whether such order decides the rights of parties finally and touching upon the merits of the parties. In an earliest decision by the Calcutta High Court in ***Justices of the Peace for Calcutta Vs. Oriental Gas Co*** reported in (1872) 8 Beng LR 433, Hon'ble Chief Justice Sir Richard Couch held as follows:



‘We think that “judgment” in Clause 15 means a decision which affects the merits of the question between the parties by determining some right or liability. It may be either final or preliminary, or interlocutory, the difference between them being that a final judgment determines the whole cause or suit, and a preliminary or interlocutory judgment determines only a part of it, leaving other matters to be determined.’

8. Similarly, in a Full Bench of the Madras High Court in ***TV Tuljaram Row Vs. MKRV Alagappa Chettiar*** reported in ***ILR (1912) 35 Mad 1***, Hon’ble Chief Justice Sir Arnold White had formulated a comprehensive definition of the expression “judgment” in the following terms:

‘The test seems to me to be not what is the form of the adjudication but what is its effect in the suit or proceeding in which it is made. If its effect, whatever its form may be, and whatever may be the nature of the application on which it is made, is to put an end to the suit or proceeding so far as the court before which the suit or proceeding is pending is concerned, or if its effect, if it is not complied with, is to put an end to the suit or proceeding, I think the adjudication is a judgment within the meaning of the clause.’

9. In ***Shah Babulal Khimji Vs. Jayaben D Kania*** reported in ***(1981) 4 SCC 8***, the Apex Court has culled out the following principles:

‘(1) It is not the form of adjudication which is to be seen



but its actual effect on the suit or proceeding;

(2) If, irrespective of the form of the suit or proceeding, the order impugned puts an end to the suit or proceeding it doubtless amounts to a judgment;

(3) Similarly, the effect of the order, if not complied with, is to terminate the proceedings, the said order would amount to a judgment;

(4) Any order in an independent proceeding which is ancillary to the suit (not being a step towards judgment) but is designed to render the judgment effective can also be termed as judgment within the meaning of the letters patent.

So far as this test is concerned, the learned Chief Justice had in mind orders passed by the trial Judge granting or refusing ad interim injunction or appointing or refusing to appoint a receiver.

(5) An order may be a judgment even if it does not affect the merits of the suit or proceedings or does not determine any rights in question raised in the suit or proceedings.

(6) An adjudication based on a refusal to exercise discretion the effect of which is to dispose of the suit, so far as that particular adjudication is concerned, would certainly amount to a judgment within the meaning of the Letters Patent.‘

10. Therefore, for maintaining the appeal, the actual effect of the suit or proceeding has to be seen. The above dictum makes it very clear that if any order which is interim in nature has the effect in the suit or proceeding or it is designed to render any judgment effective, can also be



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termed as judgment within the meaning of Clause 15 of Letters Patent and if any order would have the effect of terminating the proceedings, the said order would amount to judgment.

11.In *A.Venkatasubbiah Naidu Vs. S.Chellappan and others* reported in (2000) 7 SCC 695, in paragraph 13, the Apex Court clearly says that any interim order passed by the court would be appealable under Order 43 Rule 1 of the CPC and the choice is for the party affected by the order either to move the appellate court or to approach the same court which passed the ex parte order for any relief.

12.Considering the said principle, this court is of the view that the appeals filed by the appellants herein are well maintainable, particularly in the light of the interim order granted by the learned single Judge. Before going into the merits of the appeals, the following facts are necessary to dispose of the appeals as these appeals have chequered history.

13.Originally, a suit in C.S.No.225 of 2024 was filed for declaration of the communications dated 30.04.2024, 03.05.2024 and 22.05.2024 issued by the second defendant therein as null and void and to grant permanent injunction and other reliefs. In the said suit, originally interim orders were granted by the learned single Judge. Later, an



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application in A.No.5391 of 2024 has been taken out to vacate the interim

injunction granted by the learned Single judge. The learned single judge

by order dated 11.12.2024 allowed the application and vacated the

interim order originally granted. The said order was challenged before the

Hon'ble Division Bench of this Court in O.S.A.No.247 of 2024. Since the

entire issue was related to election of office bearers and their continuance

beyond the period of three years, with the consent of the parties, the

Hon'ble Division Bench has originally appointed Hon'ble Mr.Justice

N.Paul Vasanthakumar, retired Chief Justice of Jammu and Kashmir High

Court as an interim administrator to administer the day today affairs of

CSI - Thoothukudi Nazareth Diocese. Later by order dated 10.01.2025,

since the Hon'ble Mr.Justice N.Paul Vasanthakumar, [retired Chief

Justice] has expressed his difficulty in continuing as administrator, the

Hon'ble Division Bench has modified the order by appointing Hon'ble

Dr.Justice P.Jyothimani, a retired judge of this Court, as administrator.

This order of substitution was made on 10.01.2025. It appears that

pursuant to the said direction to administer the said Diocese and also to

conduct elections and to set right the election process for various posts, it

is also submitted that there are about 3000 posts for which elections are

to be conducted, but now only 17 posts alone to be filled up as last phase



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by the administrator.

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14. When the matter is pending, in view of the subsequent developments in other proceedings, particularly proceedings challenging the administrators appointed by this court in O.S.A.No.198 of 2023, etc. batch, Special Leave Petitions in SLP(C) No.9079-9081 of 2024 were filed before the Hon'ble Supreme Court. In the said SLPs, Hon'ble Supreme Court set aside the order passed by the Division Bench dated 12.04.2024 in OSA No.198 of 2023, 31 and 32 of 2024 and orders dated 27.02.2024 passed in other connected OSA Nos.69 of 2022, 189 of 2023, 191 of 2023 and 204 and 205 of 2023. The relevant portions of the order of the Hon'ble Supreme Court in the above SLPs were in paragraphs 60.1 and 64 to 66 which read as follows:

'60.1 Since the findings and conclusions of the learned Division Bench have been set aside, the order previously passed by the learned Single Judge shall stand restored and will continue to remain in force. Consequently, the elections conducted for the other office bearers—namely, the Deputy Moderator, the General Secretary, and the Treasurer—shall be deemed valid and will continue to hold legal sanctity but will be subject to the outcome of the suits.

In light of the foregoing reasons, the following orders passed by the subordinate courts are hereby quashed by this Court:

64. In the light of aforementioned facts and circumstances, the appeals stand disposed of and the common order dated



05.09.2023 passed by learned Single Judge in O.A. No. 818/2022, O.A. No. 819/2022 and A. No. 5961/2022 in C.S. No. 274/2022 and O.A. No. 21/2023, O.A. No. 22/2023 and O.A. No. 190/2023 in C.S. No. 7/2023, findings regarding Order 1 Rule 8 of CPC are hereby quashed to such extent. Furthermore, the impugned orders dated 12.04.2024 passed by learned Division Bench in O.S.A Nos. 198/2023, 31-32/2024 and impugned order dated 27.02.2024 passed by learned Division Bench in O.S.A Nos. 69/2022, 189/2023, 191/2023, 204-205/2023 are hereby set aside to the said extent.

65. Accordingly, there shall be an order of interim injunction restraining the respondents/defendants from giving effect to the resolution passed in the meeting convened on 7th and 8th March 2022, concerning the fixation of the upper age for the Bishops and tenure of the elected members until the final disposal of the pending suits.

66. However, it is made clear that the observations contained in this order are only prima facie in nature and shall not be construed as a reflection on the merits of the aforementioned civil suits, which shall be decided independently at the stage of final adjudication. Furthermore, we recognise that the power to amend the CSI Constitution rests with the Synod, and nothing in this order should be interpreted as interference with that amending power. The Court's ruling herein is limited to the legal issues presented before us and does not constitute a determination on the substantive merits of the underlying disputes. ‘

15. In view of the said order, the plaintiffs in CS.No.225 of 2024,



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sought to withdraw the suit. The said plea was objected to by the other side on the ground that the plaintiffs want to continue in the administration beyond the period of tenure. Further, in pursuance of the election conducted by the administrator appointed in the said suit, the third parties have been elected and the rights have been accrued to the elected persons. In that suit, after hearing the parties in elaborate, the learned Single Judge has permitted to withdraw the suit. However, the learned single judge by order dated 11.07.2025 has allowed the administrator appointed by this court to discharge the functions till handing over the charge to the newly elected Diocese council, besides the administrator is also entitled for police protection for discharging his duties and consequently, there is a direction to the parties to cooperate with the administrator and not to interfere with the affairs of the administrator and his team of officers.

16.Challenging the said order of learned single judge dated 11.07.2025, once again an appeal has been filed before the Hon'ble Division Bench of this Court in O.S.A.No.270 of 2025. While disposing of the appeal, the Hon'ble Division Bench has confirmed the order of learned single judge permitting the withdrawal of the suit, however set aside the direction of learned single judge for continuance of



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administrator to discharge his functions and the police protection for discharging his duties. The said order of Hon'ble Division Bench was challenged before the Hon'ble Supreme Court by third parties who were elected in the election conducted by the administrator, in SLP (Civil) Diary No.53533 of 2025. After entertaining the SLP, the Hon'ble Supreme Court by its order dated 22.09.2025 disposed of the SLP and the said order has been extracted supra in paragraph No.3 and the SLP stood disposed of accordingly. Therefore, the removal of the administrator by the Division Bench was confirmed, however liberty has been granted to the appellants who were elected persons to seek necessary relief for continuance of the administrator appointed by the High Court.

17.Pursuant to such liberty granted by the Hon'ble Supreme Court to seek necessary relief for continuation of the administrator appointed by the High Court, writ petitions have been filed before the learned single Judge of the Madurai Bench of this Court in W.P(MD)Nos.28202, 29598 and 29868 of 2025. The learned single Judge in an elaborate order dated 27.10.2025 found that the plaintiff in C.S.No.225 of 2024 resorted to clever stratagem and held that the administrator was appointed with their consent. Since they could not go back with the consent, they withdrew



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the suit itself. The learned single judge has held that though administrator as per the order of the Hon'ble Division Bench cannot continue to function, that cannot have the effect of effacing what has already taken place and has allowed the writ petitions and requested the Hon'ble Dr.Justice P.Jyothimani to resume his charge and continue the election process and take it to its logical conclusion. This order has been passed by the learned single judge on 27.10.2025. Pursuant to the said order, the Administrator also took over his position and he has issued notice for last phase of election.

18.Subsequently, suit in C.S.No.311 of 2025 has been filed seeking to declare the elections held during 07.09.2025 – 13.11.2025 as null and void and also seeking various declarations annulling the orders of the administrator appointed by this court. In the said suit, an interim application in O.A.No.1204 of 2025 has also been taken out restraining the administrator from conducting election on 13.12.2025, 30.12.2025 and 31.12.2025 and on any subsequent date in accordance with the third defendant's fresh election mandate dated 31.10.2025. It is relevant to note that this mandate has been issued after the administrator resumed his position as directed by the writ court in W.P.(MD) Nos.28202, 29598 and 29868 of 2025 vide an order dated 27.10.2025. The learned single judge



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heard the matter during vacation sitting and granted an interim order which is impugned in these appeals. It is relevant to note that the present suit filed in C.S.No.311 of 2025, challenging the elections conducted as per the mandate issued during April 2025, whereas the suit has been laid only in the month of December 2025. We are of the view that when the respondents are also a party for appointing the administrator and they are also aware of the conduct of the election by the administrator at the very inception, they have not challenged that immediately and that they filed the suit in December 2025 for the reasons best known to them, be that as it may. We are not inclined to go into the merits or demerits of the entire controversy in the suit when the fact remains that for the action initiated by the administrator appointed by this court in the month of April, the suit has been laid in the month of December 2025 and interim orders were passed during vacation sitting. It is relevant to note that the civil suit in C.S.No.311 of 2025 has probably been filed due to the judgment of the Apex Court in the connected O.S.A.No.198 of 2023 referred to above which is also touching upon the election.

19.It is the main grievance of the appellants / petitioners that they have filed implead petitions in A.Nos.6459, 6460, 6461, 6462 and 6463 of 2025, 19, 20, 221, 223 to 252 of 2026 in the suit in C.S.No.311 of



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2025. However, they have not been heard while granting interim injunction. The implead petitions filed in the year 2025 were also not taken on record, whereas interim injunction has been passed by the learned single judge. While granting interim injunction, admittedly, the appellants were not heard and as per the order of the learned single judge, only respondents 1 and 2 were heard. The learned single judge has in fact observed that once the civil suit came to be dismissed as withdrawn and the said order was confirmed by the Division Bench of this court in the OSA, resumption of the administrator appointed in a civil suit by the Principal Bench of this Court is unnecessary and further the learned single judge has also found flaw the filing of writ petitions for resumption of administrator before the Madurai Bench and parties can never be allowed to approbate and reprobate in institution of legal proceedings to suit their convenience.

20.It is the case of the appellants that their applications to implead in the suit are pending and the applications were not taken on record and they were not heard. When the impugned order of the learned single judge is carefully perused, it would show that the learned single judge has in fact made observation about the validity of the order passed by the writ court also. The said observations have in fact had the effect of affecting



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the parties. Whether the appellants / petitioners have the right to canvass or not has to be decided only after proper opportunity to be given to them.

Since the Hon'ble Supreme Court had granted liberty for the appellants to seek relief for resumption of the administrator, they filed the writ petition.

Whether the writ petition is proper course or not is also the subject matter in the writ appeal before the Madurai Bench in W.A.(MD)No.3069 to 3072, 3079 of 2025. The appellate court has in fact not stayed the order of the learned single judge permitting the resumption but passed the following order. The relevant portion of the order reads as follows:

‘5.Based on general consensus, status quo as on date shall be maintained, meaning that whoever is in Management at present will continue in Management till the next date of hearing.’

21.The above order of the appellate court makes it clear that admittedly, as per the order of learned single judge, administrator resumed and his status has also been protected by the division bench and the appellants were elected in the election conducted by the administrator. Therefore, a right has also been accrued to them. Such being the position, without hearing them particularly when the implead applications are also pending, we are of the view that the interim order deciding the right of the parties in entirety cannot be sustained in the eye of law. Further, we

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have also found that in the interim order, the respondents 1 and 2 therein have entered appearance through a counsel, there is no reference in the order with regard to their pleadings or counter and after the grant of interim injunction, the learned single judge has posted the matter after four weeks, be that as it may. As impugned interim order has been passed without hearing the appellants herein and admittedly their applications for impleadment are also pending and they were all elected pursuant to the election conducted by the administrator appointed by this court, we are of the view that since there are many litigations pending, it is proper to hear the appellants also and consider the entire merits of the matter, so that the rights of the parties can be decided effectively.

22.In such view of the matter, as the impugned order has been passed without hearing the parties concerned, who have accrued certain rights by way of election and passing the impugned order granting interim injunction was only based on earlier order of the Division Bench, we are of the view that the entire matter has to be reheard by giving proper opportunity to the appellants herein. For that purpose, we are inclined to set aside the order of the learned single judge and remand the matter once again to the learned single judge with a request to the learned single judge to hear the appellants herein on merits and pass orders on



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merits considering the various litigations. As various litigations are also filed, this court is required to mention the conduct of parties particularly when the matter relates to the affairs of the church. In an earlier occasion, when one of us was sitting in writ jurisdiction dealing with W.P. (MD)Nos.17949 and 18256 of 2024 and W.M.P.(MD)No.15384 of 2024 and Cont.P.(MD)No.2108 of 2024, it has been observed vide order dated 23.10.2024 in paragraphs 16 to 19 as follows:

‘16. this Court is of the view that though this Writ Petition pertains only to challenge the action of the 4th respondent, taking note of the nature of the litigation, this Court being Constitutional Court cannot resist itself from passing the following order taking notice of the several litigations filed by the Churches or elected members one way or the other not only before this Court but also all other civil Courts.

17. Though the elections are stated to have been conducted as per the bylaws and their own Constitution, it appears that their own Constitution has also not been respected and only the persons, who are in the helm of affairs try to control the whole Management for many years, without following the Constitution or bylaws. This Court has seen various instance of mismanagement and misuse of the Church properties and it funds. Several matters are litigated before this Court either as petitions under Article 226 of the Constitution of India or by way of suits under Section 92 of the Code of Civil Procedure, 1908. Judicial notice can easily be taken note of the fact that filing of these type of cases become yearly affair with rival factions belonging to various Churches litigating



against each other. To strengthen the positions, in the administration, only the Church funds have been used in all the litigations. The Churches not only have the vast properties but also educational institutions. In the process, the institutions which these persons ie., the so called elected persons, who are said to be helm of affairs, are supposed to protect and safeguard suffer administratively and financially as their funds are drained to fuel the power struggle. To alleviate this problem, it is a regular practice of this Court in appointing Administrators in the litigation of various Diocese from time to time as a temporary measure. Therefore, this Court is of the view that, it is high time that a permanent solution is required. It cannot be lost sight that these institutions performed and discharged several public functions like running educational institutions, hospital etc., which affect the public at large. Their assets and funds require protection and must be safeguarded.

18. It must also be pointed out the right to profess, practice and propagate religion under Article 25 of the Constitution of India is subject to restrictions. The secular aspects of religion including the administration of its management and properties can be subjected to State control as was held by the Supreme Court in ***M.P.Gopalakrishnan Nair Vs. State of Kerala***, reported in (2005) 11 SCC 45, wherein it was held that the management of a temple is a secular act. In the context of Christians, this position has been made clear in the case of ***K.S.Varghese Vs. St.Peter's & ST. Paul's Syrian Orthodox Church***, reported in (2017) 15 SCC 333, and the same reads as follows:

“146.The submission as to the violation of faith and violation of a right under Article 25 is to be rejected.



No doubt about it that a religious denomination or organisation enjoys a complete autonomy in the matter of deciding as to rites and ceremonies essential according to their tenets of religion they hold and no outside authority has any jurisdiction to interfere with their decisions in such matters. At the same time, secular matters can be controlled by the secular authorities in accordance with the law laid down by the competent legislature as laid down in the case of ***Commr., Hindu Religious Endowments Vs. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt [Commr., Hindu Religious Endowments Vs. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt, 1954 SCR 1005 : AIR 1954 SC 282]***.

19. While the charitable endowments of Hindus and Muslims are subject to statutory regulation, no such comprehensive regulation exists for such endowments for Christians. Thus, the only scrutiny/oversight over the affairs of these institutions is by way of a suit under Section 92 of the Code of Civil Procedure. Trusts & trustees, charities & charitable institutions, charitable & religious endowments & religious institutions fall under List III (Concurrent List) in Schedule VII of the Constitution of India. As there is no Central Legislation holding the field, there cannot be any embargo for the Union or the State Governments to bring about a legislation in the light of the circumstances prevalent in this regard. For to make the institution more accountable, there must be a Statutory Board to regulate the affairs of the administration and the learned Senior Counsel appearing for both sides have no quarrel on these issues. ‘



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Though this court suo motu impleaded the Union of India represented by its Secretary to Government, Ministry of Home Affairs, New Delhi and the State of Tamil Nadu, rep by its Chief Secretary to Government, Fort St. George, Chennai as parties in the above writ petitions and contempt petitions and sought their reports explaining their stand with regard to the issues raised in the said writ petitions and contempt petition, however nothing has moved forward thereafter, be that as it may. We are recording the observations extracted above in the instant appeals only to show that the courts are flooded with various litigations touching upon elections and the issues pertaining to the affairs and conduct of parties in the respective cases. It is our view that no suit has seen its logical end. Only during the interim applications, the matter has been canvassed and orders are being passed for day today affairs of the institution and by that time, the period will be over and next election will be challenged and at the intervention of courts, administrators will be appointed and election process will be conducted and again there will be repeated challenges. Only in that context, the above order has been passed earlier. No doubt, the above observation is no way connected with the present lis. We are also aware of the restrictions of this court to go beyond the lis, but only with a view



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to record what is happening in these types of matters, the above order has been recorded and not for any other purposes. Further, this court is also aware that it is not germane to refer to the observations as extracted above in the earlier order dated 23.10.2024 in the present appeals, the same has been recorded only to bring on record as to how the affairs of the institutions have been conducted particularly with regard to election and not for any other purpose, be that as it may.

23.In the light of the above narrative and discussions, all the Original Side Appeals are allowed and the impugned order passed by the learned single judge dated 26.12.2025 in O.A.No.1204 of 2025 in C.S.No.311 of 2025 is set aside and the matter is remanded to the learned single judge with a request to the learned single judge to give an opportunity of hearing to the appellants and pass orders in the interim application on its own merits and in accordance with law. No costs. Consequently connected miscellaneous petitions are closed.

(N.S.K., J.) (R.S.V., J.)
22.01.2026

Index : Yes / No
Speaking Order /Non speaking order
Neutral Citation : Yes
vvk

25/27



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To
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- 1.Church of South India,
represented by its General Secretary,
CSI Synod Secretariat, Royapettah,
Chennai-600 014.
- 2.Moderator Commissary / Bishop In-charge,
The CSI Thoothukudi- Nazareth Diocese,
100, Beach Road, Caldwell School Campus,
Thoothukudi-628 001.
- 3.The Administrator,
The CSI Thoothukudi Nazareth Diocese,
100, Beach Road, Caldwell School Campus,
Thoothukudi 628 001.



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N.SATHISH KUMAR, J.
and
R.SAKTHIVEL, J.

vvk

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22.01.2026