

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**  
**MADURAI BENCH**  
 (Special Original Jurisdiction)

W.P. (MD) No. <sup>11437</sup> of 2017

The Tuticorin Diocesan Association,  
 Rep. by Rev. Fr. A. Sahaya Joseph,  
 Procurator & Chief Functionary,  
 Catholic Bishop's House,  
 G.C. Road, Tuticorin – 628 001.

... Petitioner

Vs

1. The Government of India,  
 Rep. by The Secretary,  
 Ministry of Home Affairs,  
 Foreigners Division, (FCRA wing)  
 Jaisalamer House,  
 26, Man Singh Road, New Delhi – 110 011.
2. The Deputy Secretary,  
 Government of India,  
 Ministry of Home Affairs,  
 Foreigners Division, (FCRA wing)  
 Jaisalamer House, 26, Man Singh Road,  
 New Delhi – 110 011.
3. The Under Secretary,  
 Government of India,  
 Ministry of Home Affairs,  
 Foreigners Division, (FCRA wing)  
 NDCC-II Building, Jaisingh Road,  
 New Delhi – 110 011.
4. The Director,  
 Government of India,  
 Ministry of Home Affairs, (FCRA wing)  
 Opposite Jantar Mantar,  
 B-Wing, Ist floor, Jai Singh Road,  
 New Delhi City Centre-II,
5. The Manager,  
 Bank of Baroda,  
 159-A, Victoria Street,  
 Tuticorin – 628 001

... Respondents

**AFFIDAVIT OF FR. A. SAHAYA JOSEPH**

I, Fr.A.Sahaya Joseph, S/o. Swami Arulappan, Christian, Aged about 58, and  
 having office at Catholic Bishop's House, G.C. Road, Tuticorin – 628 001  
 and having come down to Madurai, do hereby solemnly affirm and sincerely  
 state as follows:

Page:  
 Corrms.:

1. I am the Chief Functionary and representative of the petitioner Association. I am well acquainted with the facts of the case. I am filing this affidavit on behalf of the Association.

2. I humbly submit that the petitioner Association represents the Catholic Diocese of Tuticorin, with a membership of 4.5 lakhs of Catholics, following Catholic Christian religious faith. The Catholic religion is rooted and practiced in the deep south of Tamil Nadu from the days of St. Francis Xavier, who landed in Tuticorin in 1542. From the later part of the 16<sup>th</sup> century, the Catholic religion is very vibrant in the said region. The said area was under the jurisdiction of the Diocese of Goa from 1557. When the Diocese of Trichinappalli was erected as a separate Diocese, the region of Tuticorin was brought under the jurisdiction of Diocese of Trichirappalli in the year 1886. Subsequently, Tuticorin was erected as a separate Diocese, bifurcated from the Diocese of Trichirappalli in the year 1923, by His Holiness Pope Pius XI, from Vatican, Rome. The petitioner Diocese of Tuticorin is comprised of major parts of the civil Districts of Tuticorin and Tirunelveli and a small portion of Kanyakumari district.

3. I humbly submit that the petitioner Diocese has got 111 parishes with their own parish Churches and thousands of small village Churches, Chapels, Kurusadis and Grottos, attached to the parish Churches within the said defined geographical jurisdiction. There are different kinds of institutions, for educational, health-care, social development and pastoral-religious activity, within the said Diocese. All these institutions are community based and non-profit in nature.

4. I humbly submit that the petitioner Association has a time tested traditional administrative machinery to discharge its religious, charitable and social functions, especially for the practice of Catholic religion and for the

welfare of the catholic population. Thus, the petitioner Diocese is involved in the life and development of the people, by its religious and charitable activities, for the last 450 years.

5. I humbly submit that for the purpose of legal perpetuity, the said Diocese was registered as a society, having Registration No.S.1 of 1937-38, under the Societies Registration Act 1860 (Act XXI of 1860). But even before the registration of the society, the Diocese, as a community of Catholics, is involved as a body, in social, cultural and pastoral-religious activities, through various institutions, established for that purpose. In this context, it will be relevant to mention that some of the institutions of the diocese exist and function for more than a century, even before the society came into existence. All these institutions and their functions are not owned by any individual. They are collectively owned by the catholic community. The Bishop, appointed by the Holy Father, the Pope in Vatican as per Canon Law, is the head of the Diocese and presides over the society and all other allied institutions under the jurisdiction of the Diocese.

6. I humbly submit that the petitioner Association is deeply involved mainly in six areas, for the purpose of charitable and religious services:

i) Educational Services: The petitioner society is a pioneer in the field of education in the south of Tamil Nadu. It has a network of educational institutions as follows:

|                         |   |     |
|-------------------------|---|-----|
| Primary schools         | - | 124 |
| Middle Schools          | - | 63  |
| High Schools            | - | 21  |
| Higher Secondary School | - | 17  |



|                                  |   |            |
|----------------------------------|---|------------|
| Matriculation Schools            | - | 2          |
| B.ED. College                    | - | 1          |
| Teacher Training Institution     | - | 1          |
| Special School for the Disabled- |   | 1          |
| Technical Institutes             | - | 31         |
| Total                            | - | <u>261</u> |

There are around 2300 teaching and non-teaching staff, working in these institutions. Most of these institutions are pre-independent and are aided by the Government. The student base of the educational institutions under the petitioner is around 1,00,000. The petitioner society has invested incalculable material and human resources, by way of land, building, infrastructure, capital and dedicated personnel in establishing and administering these intuitions. The petitioner society also incurs regular expenditure on maintenance and infra-structure of all these aided institutions, as well as by financially supporting the unaided institutions from its limited resources. All these institutions are invariably non-profit institutions, run for the welfare of the people and the development of the nation. Though all the above mentioned institutions are minority educational institutions under Art. 30(1) of the Constitution of India, they are imparting quality secular education and the Constitutional values, to all the children, irrespective of caste and creed.

ii) Health Services: The petitioner Diocese is involved in Health Care through the following institutions:

|                                 |             |
|---------------------------------|-------------|
| Hospitals                       | -13         |
| Dispensaries                    | - 9         |
| Nursing Institute               | - 1         |
| Alcoholic Rehabilitation Centre | - 1         |
| Leprosy Rehabilitation Centre   | - 1         |
| Total                           | <u>- 25</u> |

That apart, the petitioner Association has implemented a health-care project, covering 300 villages. In the last two years, it has established around 2,800 private toilet facilities for the villagers, in private houses and public places. Many dedicated nuns and health workers are involved in the said health mission.

iii) Charity Services: The petitioner has established the following charitable institutions:

|                                 |       |
|---------------------------------|-------|
| Orphanages in Common            | -11   |
| Orphanages for Girls            | -10   |
| Orphanages for Boys             | - 6   |
| Crèches                         | - 6   |
| Home for the Destitute Children | - 4   |
| House for the Disabled          | - 4   |
| Home for the aged               | - 2   |
| Rescue Homes                    | - 1   |
| Women welfare Home              | - 1   |
| Home for the Mentally Retarded  | - 1   |
|                                 | ----- |
| Total                           | - 46  |
|                                 | ----- |

In all, the petitioner Diocese takes care of thousands of persons, in respect of their day- today life, through the above mentioned institutions. By training them, it also prepares them for their future lives. Most of them are orphans, semi-orphans, children, women or the disabled, dependent on the petitioner Association, for their survival and well-being.

iv) Developmental Services: The petitioner society, for hundreds of years, has committed itself for the development of the people, especially the poor. Not only the Christians, but all the marginalized, have benefitted out of the developmental schemes, undertaken by the petitioner, irrespective of caste and creed. Thousands of Self- Help Groups have been organized for income generation and micro-finance, through bank loans and innovative lending

schemes. There are many projects and activities undertaken by the society, for the welfare of the fishermen, by improving fishing technology, marketing opportunities, through cold-storage facilities, etc. That apart, special schemes have been undertaken with a focus on Right to Food, Right to Education, etc.,. A scientific survey has been launched to assess the life and status of the disabled in the area, as disability is wide prevalent. Preventive schemes have been undertaken to reduce the recurrence of disability by scientific methods.

v) Relief and Rehabilitation: The petitioner society has earnestly involved in relief programmes, during natural disasters, floods, fires and diseases. During the post-tsunami years, multiple relief programmes have been launched in co-operation with the local authority, the government agencies, the members of the Parliament and Legislature. By a meticulous plan for rehabilitation, such as construction of houses and other structures, thousands of victims and the poor have benefitted all these years.

vi) Pastoral - Religious Service: The petitioner, being a Catholic Diocese, naturally has duties arising out of religious precepts. There are more than 111 parish Churches and thousands of other small Churches, Chapels, Kurusadies and Grottos, which are maintained by the Diocese. There are around 125 convents and religious houses, wherein more than 500 nuns and 230 priests are engaged full-time, in the multifarious religious and humanitarian activities. They are directly or indirectly maintained by the petitioner diocese. There is regular religious activity such as celebration of Holy Mass, Sacraments like Baptism, first Communion, Confession, Confirmation, Marriages, Last Anointments, Para-liturgical services, Vespers and special Feasts, involving thousands of people. By undertaking all these activities, the petitioner professes and promotes the cultural and religious heritage of the Catholic community. All these activities have their supportive infra-structure and personnel founded on convention and periodicity.



7. I humbly submit that out of the above mentioned functions of the petitioner society, except the specific religious work, which benefits the Catholic community, all other activities are secular in character, benefiting one and all, irrespective of caste, creed, language and gender. All these 450 years, the petitioner diocese, epitomizing the Catholic Community, has drawn from the local and foreign resources, for maintaining its religious and social structures and its innumerable functions.

8. I humbly submit that the activities of the diocese, dating back to 450 years, came to be taken over by the society, after its formation in the year 1937 and has continued for the last 75 years. The diocese undertakes these above mentioned activities, in coordination with the other sister organizations of the diocese, such as Tuticorin Multipurpose Social Service Society, St. Loucia Society for the Blind and Vallioor Multipurpose Social Service Society. The Bishop of Tuticorin Diocese, who is the president of the petitioner by virtue of his office, also becomes the president of the other sister organizations. All of the said organizations, established by the diocese and presided over by the Bishop, work in tandem for the welfare of the catholic community and for the secular objects, such as humanitarian actions and nation-building. Only for the purpose of legal perpetuity, these organizations are registered as societies. Even otherwise, they will have their identity and functions, because they are founded on a minority catholic community.

9. I humbly submit that after the enactment of Foreign Contribution (Regulation) Act, 1976 (Act 49 of 1976), the petitioner had the statutory duty to register under Foreign Contribution (Regulation) Act, 1976. After the new enactment (Act 42 of 2010), the said registration is saved under the new Act, vide FCRA Registration No. 076030032. The foreign contributions, received by the diocese and the petitioner Association, previously all these years,

thereafter came to be channelized through the said FCRA Number and the designated Bank Account No. 7080100000620 in Bank of Baroda, Victoria Street, Tuticorin, Tamil Nadu.

10. I humbly submit that during the process of implementation of the above referred projects, that are secular – humanitarian and cultural – religious, the petitioner has fully complied with all the rules and regulations of the central and state laws. The Returns, Audited statements, FC-3 statements, have been regularly filed in stipulated form and in time. Apart from the statutory compliance, the petitioner Association is also accountable to the Church authorities in Vatican. The petitioner Association has never defaulted at any point of time, in respect of any legal compliance. It has an unblemished record of transparency and accountability in all its undertakings. One of the reasons for its integrity is because it is a representative organization of the catholic community and not under the exclusive control of any particular individual or a group of individuals, only by creation of law. It has its own checks and balances in time-tested organizational structure.

11. I humbly submit that the activities of the petitioner, either religious or secular, have never been prejudicial to the sovereignty, the security and the territorial integrity of the nation. On the other hand, it has positively contributed towards communal harmony, nation-building and public interest. The petitioner Association and the Catholic Diocese of Tuticorin is in the public domain for more than 450 years, enjoying a high degree of integrity, good-will and confidence of the general public and the Government. It can be verified from the track record of the society. Its functions and performance is well-founded in the historical and traditional charitable legacy of the catholic community, benefitting millions of people, especially the weaker sections, the children, the women, the old-aged, the



disabled, victims of diseases and disasters, all these years. The catholic community has invested incalculable material and human resources, by way of land, building and infra-structure in establishing this religious-charitable network. Lot of local resources and contributions from the catholic community has gone into the making of these structures and functions, apart from foreign contributions.

12. I humbly submit that while facts being so, the petitioner received a communication, dated 14.11.2011, in No. II/21022/58(460)/ 2011/FC-MU, from the 3<sup>rd</sup> respondent, requiring the petitioner to furnish "point-wise reply along with the requisite enclosures/documents" and send them to their office by 02.12.2011. A questionnaire was also enclosed along with the communication. The petitioner, vide its reply dated 02.12.2011, submitted all the details required by them as per the questionnaire. The petitioner has also stated in the said communication dated 02.12.2011, that the petitioner had immediately submitted the documents pertaining to six preceding years, as per the requirement u/s 44AA of the Income Tax Act r/w Rule 6F(5) and further requested to grant some more time to collect and submit the rest of the required records from the Archives of the Diocese. Total number of 16 files, running to thousands of pages, were compiled and submitted along with the details furnished vide communication dated 02.12.2011.

13. I humbly submit that pursuant to the dispatch of enclosure and documents vide communication dated 2.12.2011, the 2<sup>nd</sup> respondent, vide communication dated 02.01.2012, in No. II/21022/58(480)/2011/ FC-MU, informed the petitioner that the Central Government, U/S 20 and 23 of the FCR Act, has authorized two officers, an Under-Secretary, and an Accountant, to inspect any account or record maintained by the Association for the period from 2006-07 to 2010-11, at our office premises in Tuticorin

from 10<sup>th</sup> to 13<sup>th</sup> January 2012. The said inspection was conducted as referred above. The petitioner fully cooperated with inspecting officers and provided all the documents and informations, vouchers and bills as required by them.

14. I humbly submit that all of a sudden, the petitioner was shocked to receive an order dated 09-02-2012 in Order No:II/21022/58(480)/2011/FCRA-MU, under section 9 and 10 of the Foreign Contribution (Regulation) Act 2010, stating that the Association has violated certain provisions of the Act and so it is prohibited in public interest, to receive foreign contribution from the date of issue of the order. It further stated that the Central Govt. is in possession of certain information and evidence and so it was satisfied that the acceptance of foreign contribution by the petitioner is likely to prejudicially affect the public interest. In the copy of the order, marked to the banker of the petitioner, there was a direction to freeze the bank account of the petitioner in Account Number 07080100000620, till further direction from the Ministry of Home Affairs.

15. I humbly submit that this petitioner challenged the said order of the respondents u/s 9 & 10, in W.P. (MD) No. 7587 of 2012 on various grounds. This Hon'ble Court was pleased to order notice in the Writ Petition and granted interim stay by its order, dated 07.06.2012 and made in M.P.NO 1 of 2012 in W.P. (MD) No. 7587 of 2012. The 3<sup>rd</sup> respondent has filed a counter in W.P. (MD) No. 7587 of 2012, which is very frivolous and motivated only to serve the purpose of victimizing the petitioner. There is no substantial reason mentioned to prohibit receiving of funds. The order of stay granted by this Hon'ble Court is still in force.

16. I humbly submit that in spite of the order of interim stay in the above writ petition, the 4<sup>th</sup> respondent vide proceedings, dated 14.5.2012, in No. II/21022/58(480) 2011/FCMU, informed the petitioner that five persons



will conduct another round of inspection of the accounts and records maintained by the petitioner from 4<sup>th</sup> June to 8<sup>th</sup> June of 2012, in respect of the period from 01.04.2006 to 31.03.2011, for five financial years. The Act does not contemplate a second inspection, after the impugned order is stayed by the Hon'ble High Court. Ultimately, the inspection was conducted from 2<sup>nd</sup> of July to 6<sup>th</sup> of July, 2012. They raised many irrelevant questions and somehow wanted to link the petitioner with the ongoing agitation by the people against Koodankulam Nuclear Power Project. The respondents are acting on mala-fide and vindictive motive, and were unduly harassing the petitioner in the name of inspection. But, the petitioner, without objecting to the inspection, cooperated in good faith with the officers. The inspecting team orally expressed their satisfaction that the records were in compliance with law and as such there was no violation. However they further stated that they will contact us, if they require any further documents or informations. Thereafter, there was no communication from the respondents. The petitioner was on the bona-fide impression that the respondents are satisfied, from the inspection, as there was no further query regarding any of the record or accounts, inspected by the respondents.

17. I humbly submit that however, vide proceedings dated 25.09.2012, in No. F.II/21022/58(480)/2011-FCRA(MU), the 4<sup>th</sup> respondent suddenly issued an Order u/s 13 of the Act, suspending the Certificate of Registration under FCRA of the petitioner, bearing Regn. No. 076030031R, with immediate effect for a period of 180 days. The petitioner had personally approached the respondents in Delhi to revoke the said order of suspension. They promised to do so, but failed.

18. I humbly submit that after the statutory lapse of 180 days, the petitioner submitted a cheque to the 5<sup>th</sup> respondent Banker, in Account Number 07080100000620, on 17.02.2014 for an amount of Rs. 3,00,000/- for



the purpose of charities in respect of Inigo Mercy Home for the maintenance of the orphan children. The Bankers returned the cheque, stating that they cannot honour the cheque, as the order of suspension of the said Foreign Contribution Registration Certificate has not been revoked still. They failed to understand that the order of suspension statutorily lapsed after 180 days from the date of suspension. As such the impugned order itself has lapsed after 180 days. But the respondents had not understood the same.

19. I humbly submit that the said order, dated 25.09.2012 was challenged in W.P. (MD) No. 3061 of 2014, seeking a writ of declaration that the suspension order in No. F.II/21022/59(0480)/2011-FCRA (MU) is statutorily lapsed as per Section 13(1) of FCRA, 2010. The petitioner had also filed a petition for an interim direction, directing the Banker to honour the cheques presented by the petitioner. This Hon'ble Court was pleased to allow the miscellaneous petition in the Writ Petition and granted interim direction by its order, dated 03.07.2015 and made in M.P. (MD) No. 1 of 2014 in W.P. (MD) No. 3061 of 2014. Following the same, the petitioner was able to operate the Bank account in No. 07080100000620.

20. I humbly submit that by application dated 15.03.2016, the petitioner requested the respondents to renew the Registration of the petitioner Association under the FCRA. By its communication dated 22.08.2016 in No. 0300099352016, the 3<sup>rd</sup> respondent has conveyed the approval of competent authority for renewal of registration of the petitioner association.

21. I humbly submit that while the facts being so, the petitioner was shocked to receive the impugned order dated 22.12.2016 in No. II/21022/36(0319)/2016-FCRA-II, stating that the renewal dated 22.08.2016 is non-est and void ab-initio. The impugned order has totally overlooked the order of this Hon'ble Court dated 03.07.2015 and made in W.P. (MD) No. 3061 of 2014, wherein there was a direction to the Bankers of the petitioner,

to honour the cheques, without emphasizing on the revocation of the order of suspension. It is clearly stated that the protracted order of suspension beyond 180 days, more specifically in the light of the order of interim stay dated 07.06.2012 and made in W.P. (MD) No. 7587 of 2012 is not proper.

22. I humbly submit that the said legal proceedings are not even recorded in the impugned order dated 22.12.2016. The reason stated in the impugned order that the renewal was done inadvertently is unsustainable and preposterous. The said impugned order is highly mechanical and has not adduced any reason for revision u/s 32, except stating that it was renewed inadvertently. The impugned order is also silent on the fact that the order of prohibition dated 09.02.2012, u/s 9 and 10 of the FCRA Act, has been already stayed by the Hon'ble High Court of Madras in W.P. (MD) No. 7587 of 2012 on 07.06.2012. This only reflects the utter disregard of the authorities to the two interim orders of this Hon'ble Court.

23. I humbly submit that the petitioner has sent a representation dated 15.02.2017 to the 3<sup>rd</sup> respondent requesting to review the impugned order dated 22.12.2016 in No II/21022/36(0319)/2016-FCRA-II, in respect of the petitioner society and restore the order of renewal dated 22.08.2016 in No. 0300099352016, in the light of the interim orders of the Hon'ble High Court of Madras, dated 07.06.2012 and made in M.P. No. 1 of 2012 in W.P. (MD) No. 7587 of 2012 and the order dated 03.07.2015 and made in M.P. (MD) No. 1 of 2014 in W.P. (MD) No. 3061 of 2014, enabling the society to carry on its regular functions, within the scope of Art. 21, 21A, 25(1), 26(b), 29(1), 19(1)(g), and 30(1) of the Constitution of India.

24. I humbly submit that the abovesaid developments are situated in the wake of demonstration against the commissioning of a Nuclear Power Project in Koodankulam, though not specifically referred to, in the impugned order. This allegation is not supported by any evidence in respect of the

petitioner. The petitioner Association has not violated any law, by diverting funds for the said demonstrations. At no point of time, the petitioner had diverted any foreign contribution to any other purpose, than that for which it was received. The petitioner Diocese or the Association has no role in the said demonstrations. While the petitioner diocese is in existence for around 450 years, actively involved in nation-building and public interest, it cannot be adjudged to be against public interest only in the light of the recent developments and controversies that arose in the last six months in respect of Koodankulam nuclear issue. That will be an unfair criteria to assess the petitioner. No notice has been issued before passing the said impugned order. And therefore, the impugned order suffers from mala-fide.

Aggrieved by the order of the 3<sup>rd</sup> respondent dated 22.12.2016 in No II/21022/36(0319)/2016-FCRA-II and having no other alternative and effective remedy open, the petitioner begs to invoke the extra-ordinary jurisdiction of this Hon'ble High Court under Article 226 of the Constitution of India for issuance of a **WRIT OF CERTIORARIFIED MANDAMUS** for the following among other grounds:

#### **GROUNDS**

- a) The impugned order is in violation of Art. 14, 21 and 26(b) of the Constitution of India.
- b) The impugned order is amounting to cancellation without notice and is in violation of Sec. 14(2) of the FCRA Act, 2010.
- c) The impugned order is illegal because there is no jurisdiction to the Under Secretary to the Government of India to declare any order as non-est ab-initio, without referring to any particular statute.
- d) The reason in the impugned order that it has been renewed inadvertently suffers from mala-fide and is unreasonable.



- e) The power of renewal u/s 16(3) does not confer the power to declare the same order as a nullity, by an after-thought.
- f) The impugned order is totally silent of the order of stay that is in force, on prohibition u/s 9 and 10, by the Hon'ble High Court of Madras by its order dated 07.06.2012 and made in W.P. (MD) No. 7587 of 2012.
- g) The impugned order is also silent on the interim direction of the Hon'ble High Court of Madras dated 03.07.2015 and made in W.P. (MD) No. 3061 of 2014, to operate the bank account without emphasizing on the revocation of suspension.
- h) The impugned order is silent on the order of suspension dated 25.09.2014 u/s 13, which has already lapsed due to the operation of law u/s 13 (1).
- i) The impugned order, without specifying what are the violations on the part of the petitioner, simply states that the petitioner has violated the provisions of the Act, 2010.
- j) The impugned order states that there is need to revise the said order of renewal, when there is no change of circumstances, without even filing counter in W.P. (MD) No. 3061 of 2014.
- k) The impugned order has failed to consider the civil consequences upon the petitioner and the voluntary religious-charitable activities of the petitioner.
- l) The impugned order has seriously jeopardized the normal functioning of the Diocese of Tuticorin and violates the internal management of religion guaranteed under Art. 26(b) of the Constitution .
- m) The impugned order fails to consider the plight of the children, the old-aged, the orphans, the destitute and women, who draw their sustenance on a day-to-day basis, from orphanages and Homes for the disabled, from the petitioner society.
- n) The exercise of inspection and the issuance of an illegal order in a hurry, suffers from bias and reflects the selective victimization of the petitioner society in the hands of the respondent, for reasons, best known to the respondents.

- o) The respondent failed to consider the fact that at any point of time the petitioner has neither acted against the public interest nor there was any complaint or report in this regard, for the last 75 years.
- p) As the petitioner Association is running more than 260 educational institutions, 50 Medical Centers and 46 Charitable Homes, the maintenance of the said institutions suffers and the impugned order is in violation of Art. 21A of the Constitution of India and the provisions of The Right to Free and Compulsory Education of Children Act, 2009.

25. The petitioner is not able to obtain the original copy of the impugned order dated 22.12.2016 in No II/21022/36(0319)/2016-FCRA-II, on the file of the 3<sup>rd</sup> respondent in respect of the petitioner diocese. He has only a xerox copy of the same. As and when he gets the original copy of the same, he will produce them before this Hon'ble Court. Unless he is dispensed with from producing the original copy of the impugned order, he will be greatly prejudiced.

26. Therefore, it is humbly prayed that this Hon'ble Court may be pleased to dispense the petitioner from producing the original copy of the impugned order dated 22.12.2016 in No II/21022/36(0319)/2016-FCRA-II, on the file of the 3<sup>rd</sup> respondent in respect of the petitioner diocese and thus render justice.

27. Under these circumstances, unless there is an urgent order of interim stay of the impugned order dated 22.12.2016 in No II/21022/36(0319)/2016-FCRA-II, on the file of the 3<sup>rd</sup> respondent, the petitioner diocese will be greatly prejudiced. The religious and liturgical activities of the minority catholic community, the maintenance of priests, nuns and catechists, the up-keeping of Churches, Chapels and Grottos have been greatly affected as a result of the prolonged order of suspension. Therefore, an urgent order of interim stay and direction are highly just and essential.

28. Therefore, it is humbly prayed that this Hon'ble Court may be pleased to stay the impugned order dated 22.12.2016 in No II/21022/36(0319)/2016-FCRA-II, on the file of the 3<sup>rd</sup> respondent, pending the above Writ Petition and thus render justice.

29. Therefore, it is humbly prayed that this Hon'ble Court may be pleased to issue an order of interim direction to the 5<sup>th</sup> respondent Banker, to operate the Bank Account in Account Number 07080100000620 of the petitioner, pending the above Writ Petition and thus render justice.

For the reasons stated in the foregoing paragraphs, it is humbly prayed that this Hon'ble Court may be pleased to issue a **WRIT OF CERTIORARIFIED MANDAMUS** or any other appropriate writ or order or direction in the nature of writ, calling for the records pertaining to the order dated 22.12.2016 in No II/21022/36(0319)/2016-FCRA-II, on the file of the 3<sup>rd</sup> respondent and quash the same and direct the respondents to restore the order of renewal of registration dated 22.08.2016 in No. 0300099352016 on the file of the 3<sup>rd</sup> respondent, or pass any further orders as it deems fit and proper and thus render justice.

Solemnly affirmed and signed  
on this, the      day of June, 2017  
at Madurai in my Presence

Before me,

Advocate, Madurai.



MEMORANDUM OF WRIT PETITION  
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)  
**IN THE HIGH COURT OF JUDICATRE AT MADRAS**  
**MADURAI BENCH**  
(Special Original Jurisdiction)

W.P. (M.D) No.                      of 2017

The Tuticorin Diocesan Association,  
Rep. by Rev. Fr. A. Sahaya Joseph,  
Procurator & Chief Functionary,  
Catholic Bishop's House,  
G.C. Road, Tuticorin – 628 001

... Petitioner

Vs

1. The Government of India,  
Rep. by The Secretary,  
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Ministry of Home Affairs, (FCRA wing)  
Opposite Jantar Mantar,  
B-Wing, Ist floor, Jai Singh Road,  
New Delhi City Centre-II,
5. The Manager,  
Bank of Baroda,  
159-A, Victoria Street,  
Tuticorin – 628 001

... Respondents

## WRIT PETITION

The address for service of all notices and process on the petitioner is that of his counsels **M/s V. JOHN KENNEDY, P. ANTONY DORATHY & K. IGNACI MUTHU**, Advocates, at No. 18, Law Chambers, High Court Buildings, Madurai – 625 023.

The address for service of all notices and processes of the Respondents is the same as stated above.

For the reasons stated in the accompanying affidavit, it is humbly prayed that this Hon'ble Court may be pleased to issue a **WRIT OF CERTIORARIFIED MANDAMUS** or any other appropriate writ or order or direction in the nature of writ, calling for the records pertaining to the order dated 22.12.2016 in No II/21022/36(0319)/2016-FCRA-II, on the file of the 3<sup>rd</sup> respondent and quash the same and direct the respondents to restore the order of renewal of registration dated 22.08.2016 in No. 0300099352016 on the file of the 3<sup>rd</sup> respondent, or pass any further orders as it deems fit and proper and thus render justice.

Dated at Madurai on this the 19<sup>th</sup> day of June, 2017.

Counsel for Petitioner