

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

: PRESENT:

THE HONOURABLE JUSTICE SRI K SREENIVASA REDDY

WRIT PETITION NO: 1043 OF 2026



Between:

J Dyva Aseervadam, S/o J. Yohan, Aged about 45 years Occ: Pastor, Trinity Lutheran Church, Guntur, R/o D.No.12-13-25, Kugler Hospital Staff Quarters, Guntur, Andhra Pradesh- 522001.

Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Minority Welfare Department, Velagapudi, Amaravati, Guntur District, Andhra Pradesh.522238
2. The Andhra Evangelical Lutheran Church (AELC), A Society registered under the provisions of Societies Act XXI of 1860, (Regd No.2/1932), Having its Office at Post Box No.205, Guntur, Andhra Pradesh-522002. Represented by its Controller
3. The Administrator, The Andhra Evangelical Lutheran Church (AELC) Guntur, Andhra Pradesh.522002
4. B.A.S.L. Kumar, Addl. Pastor, Emmanuel Lutheran Church, MVP Colony, Visakhapatnam- 530017

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of Respondents Nos.2 and 3 herein in issuing proceedings No.48/App/25 dated 06.01.2026 (Served on the Petitioner on 07.01.2026) transferring the Petitioner from the Trinity Lutheran Church, Kugler Hospital Compound, Kothapet Guntur, Central Guntur Synod with effect from 17.01.2026 as being illegal, arbitrary, unjust, contrary to the AELC Constitution and violative of Articles 14, 21 and 26 of the Constitution of India and also in violation of the directions of the Division Bench of this Honble Court in W.A. No. 1033 of 2023 & batch dated 03.04.2025 and Consequently set aside the proceedings No.48/App/25 dated 06.01.2026 (Served on the Petitioner on 07.01.2026) issued by the Respondent Nos.2 and 3 herein.

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of proceedings No.48/App/25 dated 06.01.2026 (Served on the Petitioner on 07.01.2026) issued by Respondent Nos.2 and 3, Pending disposal of WP No.1043 of 2026, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri N Ashwani Kumar, Advocate for the Petitioner, and of GP for Social Welfare for the Respondent No.1, the Court made the following.

ORDER

Learned Assistant Government Pleader for Social Welfare takes notices for respondent No.1 and seeks time for filing counter-affidavit.

Learned counsel for the Writ Petitioner is permitted to take out personal notice to the respondent Nos.2 to 4 by Registered Post with Acknowledgment Due and file proof of service in the Registry within a period of three (03) weeks. ✓

Heard the learned counsel for the Writ Petitioner and learned Assistant Government Pleader for respondent No.1. ✓

A perusal of the material on record goes to show that the Executive Committee of each synod has to recommend for synod to synod transfers and thereupon the Executive Council would pass orders of transfer in accordance with the by-laws for synods as per Article V Sections 3 to 5 of the Constitution of Andhra Evangelical Lutheran Church. ✓

Basing on the same, learned counsel appearing on behalf of the Writ Petitioner submits that no such recommendation has been made by the Executive Committee, but respondent No.3/ Administrator, without there being any recommendation has passed an Order, transferring the Writ Petitioner from Trinity Lutheran Church, Kugler Hospital Compound, Kothapet Guntur, Central Guntur Synod with effect from 17.01.2026 on the ground that he has completed more than 10 years in the same Parish. ✓

A perusal of the Proceedings issued by 3rd respondent/Administrator, except stating that the Writ Petitioner has been transferred from Trinity Lutheran Church, Kugler Hospital Compound, Kothapet Guntur, Central Guntur Synod with effect from 17.01.2026, it is not even mentioned as to which place the Writ Petitioner has been transferred. At the same time, one B.A.S.L.Kumar/ respondent

No.4 has been transferred to the place i.e. Trinity Lutheran Church, Kugler Hospital Compound, Kothapet Guntur, Central Guntur Synod, of the AEL Church with effect from 17.01.2026, where the Writ Petitioner is serving. The procedure adopted by 3rd respondent/ Administrator *prima facie* is not in accordance with law and it requires examination. ✓

In view of the same, there shall be *interim* suspension of operation of Proceedings No.48/App/25, dated 06.01.2026 issued by 3rd respondent/Administrator for a period of ten (10) days.

List the matter on 20.01.2026.

//TRUE COPY//

SD/- M.PRABHAKARA RAO
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Minority Welfare Department, Velagapudi, Amaravati, Guntur District, Andhra Pradesh.522238
2. The Controller, Andhra Evangelical Lutheran Church (AELC), A Society registered under the provisions of Societies Act XXI of 1860, (Regd No.2/1932), Having its Office at Post Box No.205, Guntur, Andhra Pradesh-522002.
3. The Administrator, The Andhra Evangelical Lutheran Church (AELC) Guntur, Andhra Pradesh.522002 ✓
4. B.A.S.L. Kumar, Addl. Pastor, Emmanuel Lutheran Church, MVP Colony, Visakhapatnam- 530017 ✓
5. One CC to Sri N Ashwani Kumar, Advocate [OPUC]

6. Two CCs to GP for Social Welfare, High Court of Andhra Pradesh.
[OUT]

7. One spare copy

HIGH COURT

SRK, J

DATED: 08/01/2026

LIST THE MATTER ON 20.01.2026

ORDER

WP.No.1043 of 2026

INTERIM SUSPENSION

