

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

W.P(C)No.22951 of 2009 (L)

PETITIONER:

KADAVATHU PURAYIL EBRAHIM HASSAN,
S/O. HASSAN, AGED 78 YEARS,
KADAVATHU PURAYIL HOUSE,
KAKKAD.P.O., KANNUR DISTRICT

BY ADV.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.R.LEELA

RESPONDENTS:

1. UNION OF INDIA, REP. BY ITS SECRETARY
MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI.
2. SECRETARY SPECIAL KUWAIT CELL
EXTERNAL AFFAIRS MINISTRY UNION OF INDIA, NEW DELHI.
3. SECRETARY NORKA, THIRUVANANTHAPURAM.

BY ADV. SRI.T.P.M.IBRAHIM KHAN, ASST.SOLICITOR, FOR R1 & R2
SRI.N.NAGARESH,BASST.SOLICITOR GENERAL, FOR R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29.07.2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.22951 of 2009 (L)

=: 2 :=

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: THE TRUE COPY OF THE JUDGMENT DATED 05.03.2007 IN W.P.
(C)NO.29664/05

EXT.P2: THE TRUE COPY OF THE COMMUNICATION DATED 16.10.04 OF
THE 3RD RESPONDENT

RESPONDENTS' EXHIBITS: Nil

//TRUE COPY//

PA TO JUDGE

PtK/

K. VINOD CHANDRAN, J

W.P.(C).No.22951 of 2009

Dated this the 29th day of July, 2015

J U D G M E N T

The petitioner is before this Court seeking compensation as an evacuee from Kuwait. The petitioner claims to have come back to India in the year 1990. The petitioner agitated the same issue before this Court earlier with the same prayer in W.P(C) No.29664/2005. This Court elaborately considered the issue raised.

2. Before this Court, on the earlier occasion, the petitioner had referred to a communication from the department of Non-Resident Keralities Affairs (NORKA), under the Government of Kerala, which indicated that the name of the petitioner was included in the list of belated applicants and forwarded to the special Kuwait Cell on 12.04.2004. The said communication also indicated that despite that, the petitioner's name was not included in the list of belated applications. The

NORKA was not impleaded in the earlier writ petition. Ext.R1(a) produced by the respondent was noticed and it was found that the same undoubtedly indicated that no application submitted by the petitioner has been traced out in the cell. Hence the writ petition was closed leaving open the remedy of the petitioner to pursue the remedy if any, available to him to trace out the application said to have been filed belatedly.

3. The present writ petition has been filed producing Ext. P2, the communication referred to earlier, making the NORKA a party. Even then, the petitioner cannot be granted any relief since it is not for the NORKA to grant compensation and the same has to be by the 2nd respondent. In the earlier judgment also, it was found that the application filed by the petitioner was not available with the NORKA. NORKA only admitted that the petitioners name figured in the list of belated applications sent to the Kuwait Cell. However, the Kuwait Cell declines having received such an application. Hence there is no advancement at all

from what had been stated at Ext.P2.

In such circumstance, the relief prayed for was once declined and on similar circumstance nothing further could be done. Writ petition would stand dismissed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge