



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.382 of 2015

R.Anderson Xavier Raj

.. Petitioner

Vs.

1.The Director General of Shipping,
The Director General of Shipping Office,
Jahaz Bhavan, Walachand Hirachand Marg,
Mumbai - 400 001.

2.The Union of India,
rep. By its Secretary to Government,
Ministry of External Affairs,
Akbar Bhavan, Patiala House,
ISIL Building, New Delhi - 110 011.

3.Noah Marine Service Pvt. Limited,
F-1, A-6 Sector 3, Paradise Apartment,
Nerul, Mumbai - 400 706.

4.The Collector,
Nagercoil, Kanyakumari District.

5.The Superintendent of Police,
Nagercoil, Kanyakumari District.

6.The Sub Inspector of Police,
Mandaikadu Police Station, Mandaikadu,
Kanyakumari District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents to produce the person or body of the petitioner's father viz., Silvester Robert Xavier Raj, aged about 49 years, before this Court and set him at liberty.

For petitioner : Mr.A.Rajaram

For respondents 1 and 2 : Mr.R.Murugappan, SCGSC

For 3rd respondent : Mr.K.Seemaraj

For respondents 4 to 6 : Mr.R.Ramachandran,

Additional Public Prosecutor

ORDER

(Order of the Court was made by P.R.SHIVAKUMAR, J)

<https://hcservices.ecourts.gov.in/hcservices/>

It is brought to the notice of the Court by Mr.R.Murugappan, learned standing counsel for the respondents 1 and 2 that the father of



the petitioner by name Silvester Robert Xavier Raj, aged about 49 years, was employed as a Marine Engineer in a ship by name 'M.T.ITB Jacksonville' (IMO No.7901916) and in a massive explosion that occurred in the ship at about 10 nautical miles away from the coast of Nigeria, the ship was blasted and five crew members including Silvester Robert Xavier Raj died. It is also brought to the notice of the Court that the petitioner filed a Writ Petition in W.P.No.19163 of 2012 on the file of the Principal Bench of this Court for issuing a Writ of Mandamus to direct the respondents 1 to 3 therein to take necessary action in respect of the same and that the said Writ Petition is still pending. The fact of filing such a Writ Petition and pendency of the same has not been revealed in the supporting affidavit filed in the Habeas Corpus Petition.

2.Confronted with the above said fact, the learned counsel for the petitioner, on instructions, wants to withdraw the Habeas Corpus Petition with liberty to pursue the remedy in the other Writ Petition pending before the Principal Bench of this Court. An endorsement to that effect has been made. Endorsement is recorded and the Habeas Corpus Petition is dismissed as withdrawn. Liberty, as sought for, is granted.

Sd/-

Assistant Registrar(C.S. -I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Director General of Shipping, The Director General of Shipping Office, Jahaz Bhavan, Walachand Hirachand Marg, Mumbai - 400 001.
- 2.The Union of India, Secretary to Government, Ministry of External Affairs, Akbar Bhavan, Patiala House, ISIL Building, New Delhi - 110 011.
- 3.The District Collector, Nagercoil, Kanyakumari District.
- 4.The Superintendent of Police, Nagercoil, Kanyakumari District.
- 5.The Sub Inspector of Police, Mandaikadu Police Station, Mandaikadu, Kanyakumari District.
- 6.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.A.Rajaram, Advocate Sr.No.67506
+1cc to Mr.R.Murugappan, Advocate Sr.No.67569
+1cc to Mr.K.Seemaraj, Advocate Sr.No.67630

Akm/09.12.2015/ 2p- 10c/NGM/SS

Order Made in
H.C.P (MD) No.382 of 2015
25.11.2015