



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA**

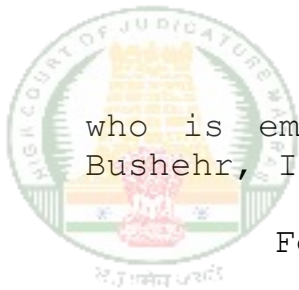
H.C.P. (MD) No.1444 of 2017

Sankarapandi : Petitioner
vs.

1. The Superintendent of Police,
Tirunelveli District
Tirunelveli
2. The District Collector,
Tirunelveli District
Tirunelveli
3. Embassy of India,
Tehran,
22 Mir Emad Street (Corner of 9th Alley)
Dr.Behesthi Avenue, Tehran
Iran.
4. The Secretary
External Affairs Department,
Ministry of External Affairs,
South Block,
New Delhi - 110011
- 5.The Secretary
Overseas Indian Affairs Department
Ministry of Overseas Indian Affairs,
New Delhi.
6. Embassy of Iran
5 Barakhamba Road
New Delhi
Delhi

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents Nos.1 to 3 to produce the body or corpus of the detained viz., the petitioner's son viz., Ponraj, S/o.Sankarapandi (Age 22) holding Indian Passport No.N9603508 before this Court,



who is employed in "Lian Ocean Star Shipping Company, Port of Bushehr, Iran" and set him at liberty.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.C.Mayilvahana Rajendran
for R1 & R2 Additional Public Prosecutor
Mr.P.Paulpandi for R3 to R6
Central Government Standing counsel

ORDER

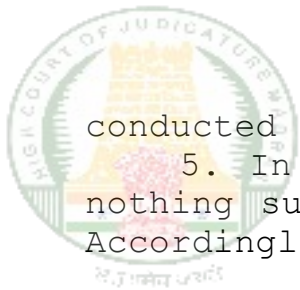
[Order of the Court was made by **R.SUBBIAH, J**]

The petitioner is the father of the detenu, viz, Ponraj, aged 22 years, holding Indian Passport No.N9603508. He is before this Court with this petition to produce the missing detenu, who is employed in "Lian Ocean Star Shipping Company, Port of Bushehr, Iran".

2. In the affidavit, it is alleged that the detenu was working in Iran in Lian Ocean Star Shipping Company, Port of Bushehr from 14.11.2016. While so, on 20.08.2017, the petitioner was informed that due to consumption of alcohol by his son and 7 others, they have been admitted in the hospital due to failure of kidney and later on, four persons died including the petitioner's son. Therefore, the petitioner made a representation to the 2nd respondent for an enquiry and to bring the mortal remains of the detenu. Pursuant to the said representation, the petitioner received a reply from the Government on 07.09.2017 as well as on 20.09.2017 narrating the steps that have been taken to bring the mortal remains of his son. However, till today, the mortal remains have not been received and hence, the petitioner is before this Court with this petition.

3. Today, when the matter was taken up for consideration, the learned Central Government Standing counsel produced a communication, dated 09.10.2017, wherein, it is stated that on receipt of information of the death, the Embassy pursued the case with Ministry of Foreign Affairs, Iran for early repatriation of mortal remains to India. It is also stated that since the death of the petitioner's son is unnatural, it involves police investigation and clearance by the judiciary for dispatch of the mortal remains and the Court in Bushehr ordered for reinvestigation, as the death was due to suspected consumption of alcohol, which is banned in Iran and the 4th respondent authorities have taken all efforts to dispatch the mortal remains to India.

<https://hcservices.courts.gov.in/hcservices/> represented that the petitioner has received the mortal remains of his son and the family of the petitioner has also accepted the same. It is stated that they have also



conducted the final rites.

5. In view of the present scenerio, we are of the view that nothing survives for adjudication in this Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The District Collector,
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Ministry of Overseas Indian Affairs,
New Delhi.
6. Embassy of Iran,
5 Barakhamba Road,
New Delhi, Delhi.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.P.Paulpandi , Advocate in SR No. 87235

RR

AE/MR KKR/SAR4/30.11.2017/3P/9C