

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.960 of 2020
against
WP.No.33947 of 2019

1.Udayakumar
2.Senthilvel
3.Udayashankar
4.Udayavani ...Appellants/Petitioner

Vs.

- 1.The Secretary to Government of India,
Ministry of External Affairs, South Block,
Cabinet Secretariat, Raisina Hill,
New Delhi - 110 001.
- 2.The Secretary to Government of India,
Ministry of Home Affairs/Grih Mantralayan
(Coordination Division)
North Block, New Delhi - 110 001.
- 3.The Ambassador,
Thailand Embassy in New Delhi,
D-1/3, Vasant Vihar,
New Delhi - 110 057, India.
- 4.The Ambassador,
China Embassy in New Delhi,
50-D, Shantipath,
Chanakyapuri, New Delhi - 110 021, India.
- 5.The Chief Secretary,
Government of Tamilnadu,
St. George Fort, Chennai - 600 009.
- 6.The Director of CBI,
CBI Head Office,
Flat No.5-B, CGO Complex, Lodhi Road,
New Delhi - 110 003.

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7.The Joint Director of CBI and Head of South Zone,
3rd Floor, E.V.K. Sampath Building,
College Road, Chennai - 600 006.

8.The Director General of Police (L&O),
Tamil Nadu Government,
No.100, Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

9.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.

10.The Superintendent of Police,
Office at Kanchipuram,
Kanchipuram District, Pin-631 501.

11.Annaforv Wangu,
Operation Head,
rep. by Maxis Christopher,
Centara Watergate Pavilion Hotel Bangkok,
567, Ratchaprarop Road,
Makkasan, Ratchathewi,
Bangkok - 10400, Thailand.

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent
against the order dated 02.1.2020 made in W.P.No.33947 of 2019.

Prayer in WP.33947/19: Writ petition is filed under Article 226
of the constitution of India praying to issue a writ of Mandamus
directing the respondents 1 to 6 to dispose the representation
dated 29-07-2019 with reference to the proceeding dated 29-06-
2018 issued by the 2nd respondent herein addressed to the chief
secretary Government of Tamilnadu, Chennai.

For Appellants : Mr.Ganapathy Thangavel

JUDGMENT

(Delivered by Senthilkumar Ramamoorthy, J.)

Heard Shri Ganapathy Thangavel, learned counsel for the
appellants.

2. The appellants are the unsuccessful writ petitioners.
The writ petition was filed for a mandamus to direct
consideration of the representation dated 29th July, 2019 of the

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appellants. The appellants claim that monies are due to them from respondent No.11, who is a foreign national based in Thailand.

3. The learned Single Judge has examined the documents on record and concluded that no part of the cause of action has arisen within the territory of India and, therefore, the Court does not have jurisdiction in the matter.

4. We find that the appellants have impleaded the Ambassadors of Thailand and China, who are entitled to diplomatic protection. The learned Single Judge has, therefore, proceeded to conclude that the Court cannot issue a mandamus in respect of the relief requested. However, the learned Single Judge has stated that the order will not preclude consideration of the representation of the appellants by the authorities. We find no infirmity in the said order. It is always open to the appellants herein to initiate appropriate proceedings in the Courts in Thailand.

This writ appeal is disposed of on the above terms.

Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

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To

- 1.The Secretary to Government of India,
Ministry of External Affairs, South Block,
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+1cc to Mr.G.Thangavel, Advocate SR.35818

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