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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-09-2021

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.10791 of 2016

Kaliyaperumal .. Petitioner

vs.

1. Union of India represented
   by the Secretary to Government,
   Ministry of Overseas Indian Affairs,
   Akbar Bhavan,
   Chanakyapuri,
   New Delhi - 110 021.

2. The Protector General of Emigrants,
   Government of India,
   Ministry of Overseas Indian Affairs,
   Akbar Bhavan,
   Chanakyapuri,
   New Delhi - 110 021. .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to enquire into the cause of death of the petitioner's son Karunanidhi holding Passport No.E 4669155 at Dubai on 22.03.2008 and also recover the compensation and other monies payable on account of the death and handover the same to the petitioner.

For Petitioner : Mr.L.Poovendra Perumal for
M/s.Sai, Bharath

For Respondents : Mr.T.L.Thirumalaisamy,
Central Government Standing Counsel

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O R D E R

The writ on hand is filed to direct the respondents to enquire into the cause of death of the petitioner's son Karunanidhi holding Passport No.E 4669155 at Dubai on 22.03.2008 and also to recover the compensation and other monies payable on account of the death and handover the same to the petitioner.

2. The petitioner states that his son studied upto IX Standard. He was the holder of Indian Passport. He got employment with M/s.Al Shafar General Contracting, LLC, Dubai as a labourer and he joined work with effect from 22.11.2007.

3. The learned counsel for the petitioner states that the petitioner received an information that his son died on 22.02.2008 and the cause of death of the son of the petitioner was not clearly stated. As per the information given by the Department of Health and Medical Services, Dubai, the son of the petitioner had committed suicide.

4. However, the petitioner states that the colleagues of the petitioner informed that it is not a case of suicide. However, even such colleagues have not registered any police complaint with the Dubai Police Station.

5. When the Department of Health and Medical Services, Dubai certified that the son of the petitioner had committed suicide and the dead body of the son of the petitioner, was cleared and transmitted to India and a Certificate was issued by the Vice Consul, Consulate General of India, Dubai (U.A.E.), this Court cannot issue any such direction, as such, sought for in the present writ petition.

6. The learned Central Government Standing Counsel, appearing on behalf of the respondents, brought to the notice of this Court that the death occurred on 22.02.2008 and the writ petition itself is filed after a lapse of about eight years from the date of death of the son of the petitioner.

7. This being the factum, the petitioner is not entitled for any relief, as such, sought for in the present writ petition and if at all there is any dispute regarding the death of the son of the petitioner, he has to initiate action with the Dubai Authorities.

8. In view of the facts and circumstances, this Court is not in a position to consider the relief, as such, sought for in the present writ petition.

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9. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Secretary to Government,
   Union of India,
   Ministry of Overseas Indian Affairs,
   Akbar Bhavan,
   Chanakyapuri,
   New Delhi - 110 021.

2. The Protector General of Emigrants,
   Government of India,
   Ministry of Overseas Indian Affairs,
   Akbar Bhavan,
   Chanakyapuri,
   New Delhi - 110 021.

+1cc to Mr.T.L.Thirumalaisamy, Advocate Sr No. 47705
+1cc to Mr.T.Saikrishnan, Advocate Sr No.47768

WP 10791 of 2016

PVS (CO)
PR (12/10/2021)

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