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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15032 of 2016

and

W.M.P.No.14091 of 2017

I.Chinnadurai

...Petitioner

Vs

1. The Deputy Secretary to the Government,
Ministry of Overseas Indian Affairs,
Government of India, New Delhi.
2. The Joint Secretary to the Government,
Ministry of External Affairs,
Government of India, New Delhi.
3. The Assistant Consular Officer,
Embassy of India, Post Box No.2788,
DOHA-QATAR.
4. The Chief Secretary to Government,
Tamil Nadu Government,
Chief Secretariat, Chennai.
5. The District Collector,
Cuddalore District, Tamil Nadu.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 25/11/13 to release the blood money of son Manikandan holder of Indian Passport No.H-0691171 who was working in Qatar and died in Qatar on 9th October 2009 due to boat accident while he was working under the sponsorship of Mr.Hasan Ahamed Hasan Al Gharib Al Mahmoud or at least made party payment as an interim relief to the deceased family.



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For Petitioner : Mr.P.Suresh
For Respondents : Mr.D.Ramesh Kumar
Additional Central Government
Standing Counsel
[For R1 to R3]

Mr.C.Kathiravan
Government Advocate
[For R4 & R5]

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 3rd respondent to consider the petitioner's representation dated 25/11/13 to release the blood money of son Manikandan holder of Indian Passport No.H-0691171 who was working in Qatar and died in Qatar on 9th October 2009 due to boat accident while he was working under the sponsorship of Mr.Hasan Ahamed Hasan Al Gharib Al Mahmoud or at least made party payment as an interim relief to the deceased family.

2. The petitioner states that his son Mr.Manikandan, an Indian by birth and holder of an Indian Passport, was working in Qatar. He died in Qatar on 9th October 2009, due to drowning. The Criminal Court at Qatar had passed the verdict in favour of the deceased obligating both the accused employers to pay the blood money of the legal heirs of the deceased, who died due to boat accident, while he was working under the Sponsorship of Mr.Hasan Ahamed Hasan Al Gharib Al Mahmoud. The body of Manikandan was buried in the Doha. The Ministry of Foreign Affairs had informed the Indian Embassy that the Hon'ble Court has issued the verdict obligating Mr.Hasan Ahamed Hasan Al Gharib Al Mahmoud and an Indian Mr.Luthian Jais Rajan to pay jointly QR 200.000 (Two hundred Thousand Riyal) to the legal heirs of the deceased.

3. If at all, the Court at Qatar granted the relief, the petitioner has to pursue the remedy and as far as the present writ petition is concerned, High Court cannot issue any direction to the Ministry of Overseas Indian Affairs, Government of India. Admittedly, the petitioner has approached the competent Court at Qatar and if so, they have to peruse the remedy for the purpose of getting compensation. However, High Court cannot issue any such direction in respect of the accident occurred within the territorial jurisdiction of Qatar.



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4. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

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Sub Assistant Registrar

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To

1. The Deputy Secretary to the Government,
Ministry of Overseas Indian Affairs,
Government of India, New Delhi.
2. The Joint Secretary to the Government,
Ministry of External Affairs,
Government of India, New Delhi.
3. The Assistant Consular Officer,
Embassy of India, Post Box No.2788,
DOHA-QATAR.
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Tamil Nadu Government,
Chief Secretariat, Chennai.
5. The District Collector,
Cuddalore District, Tamil Nadu.

+1cc to Mr.D.Ramesh Kumar, Advocate Sr No.49260
+1cc to the Government Pleader Sr No.41065

W.P.No.15032 of 2016

GP (CO)
PR (06/10/2021)