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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25-11-2021
CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.15259 of 2014

Tmt.Theivanai

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Petitioner

vs.

- 1.The External Affairs Ministry Government of India,
Jawaharlal Nehru Bhavan,
Opp. National Museum,
Rajbath, New Delhi,
Delhi - 110 001.
- 2.The High Commissioner of Malaysia,
50-M.Satya Marg,
Chanakyapuri,
New Delhi - 110 021.
- 3.The Deputy Secretary, Public Foreigners Department,
State Secretariat,
Government of India,
Fort St. George,
Chennai - 600 009.
- 4.Head of Branch Secretariat,
Ministry of External Affairs,
E.V.K. Sampath Maligai,
7th Floor, DPI Campus,
No.68, College Road,
Nungambakkam,
Chennai - 600 006.
- 5.The Consulate General of Malaysia,
(South India),
7, Cenotaph First Street,
Teynampet,
Chennai - 600 018.

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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 act upon the petitioner's



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representation dated 10.06.2014 to trace out her husband namely Mr.M.Nallathambi and he may be brought and handed over to her.

For Petitioner :
Mr.M.Shreedhar for
M/s.M.Shreedhar and Associates.

For Respondents-1 and 4 : Mr.B.Rabu
Manohar,
Senior Panel Counsel.

For Respondents-2 and 5 : No Appearance

For Respondent-3 :
Mr.C.Jayaprakash,
Government Advocate.

O R D E R

The representation addressed to the Honourable Chief Minister's Special Cell was responded by the State Authorities third respondent-The Deputy Secretary, Public Foreigners Department, State Secretariat, Government of India, Fort St. George, Chennai - 600 009, filed a counter stating that all appropriate steps were taken to solve the issues and the relevant paragraph-6 of the counter-affidavit reads as under:-

"6. The Consular (CA & Labour) High Commission of India, Kuala Lumpur in his e-mail has stated that the matter was referred to the Chief Inspector NCB/Interpol, Criminal Investigation Department, Royal Malaysia Police Head Quarters 50560 Bukit Aman and it has been replied by them that the check with Selangor Contingent Police revealed that until now there is no lead to the missing persons case. Some suspects were detained to facilitate investigation and they were released upon instruction from Attorney General's Chambers. It was further confirmed that both missing persons were never arrested by the Police as alleged by the petitioner Tmt.Theivanai and informed that the victims' family may contact DSP Ang Ah Ban via mobile No.016-2279188 or ASP Mohd Azam Bin Ismail via mobile number 019-2191533 for further queries or information. Further it has been stated that on 20.03.2014, Mrs.Agrosiya Banu, Wife of Mr.Syed approached the Labour Wing



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requested the Mission to locate her husband and Mr.Nallathambi. The Mission has again written to Ministry of Foreign Affairs and Ministry of Home Affairs, Malaysia to find the whereabouts of the two Indian Nationals and they are still awaiting for a response in this regard. The Mission has informed that a reply would be furnished on receipt of response in the matter. The reply furnished by the Consular (CA & LAB) High Commission of India in Malaysia was communicated to the writ petitioner through e.mail dated 24.06.2014."

2. The learned counsel for the petitioner states that some assistance which required through the Indian Embassy at Kuala Lumpur, enabling the petitioner to pursue the matter. In spite of several attempts, the petitioner could not able to get informations and support from the Indian Embassy at Malaysia, though she approached the Authorities in the Indian Embassy.

3. It is needless to state that the Indian Embassy at Kuala Lumpur has to provide assistance to the affected persons to redress their grievances by following the procedures. No doubt a criminal case has been registered by the Police Agency at Malaysia. However, the progress of the case or some assistance, which is required for the citizen of India must be provided as it is the duty of the Embassy Authorities to extend the same.

4. The learned counsel for the petitioner states that the petitioner could not able to get any information regarding the case in spite of her approach. Thus the respondents shall provide assistance to the petitioner to atleast get the clear facts and the present status, enabling her to know about the status and whereabouts of her husband, who is missing from long back.

5. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn



To

1. The External Affairs Ministry Government of India,
Jawaharlal Nehru Bhavan,
Opp. National Museum,
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Delhi - 110 001.

2. The High Commissioner of Malaysia,
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KG(CO)
A.SK(08.12.2021)