



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2021

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P (MD)No.871 of 2021

A.Antony Yagappa ... Petitioner/Father of the denetue

-vs-

- 1.The Union of India,
Represented by its Secretary to Government,
Ministry of External Affairs,
Jawahar Lal Nehru Bhavan,
South Block, Newl Delhi.
- 2.The Union Of India,
Represented by its Secretary to Government,
Ministry of Overseas Indian Affairs,
Abkar Bhavan, Chanakayapurai,
New Delhi - 110 021.
- 3.The Protector General of Emigrants,
Ministry of Overseas Indian Affairs,
9th Floor, Akbar Bhavan,
Chanakyapurai,
New Delhi - 110 021.
- 4.The High Commissioner (Ambassador) of Saudi Arabia,
Royal Embassy of Saudi Arabia,
No.2, Pachchimi Marg,
Vasant Vihar,
New Delhi - 110 057
- 5.The Consulate General of The Saudi Arabia,
Market Tower "F" 4th Floor,
Cutte Parade,
Mumbai - 400 005.
- 6.The First Secretary (Cons),
Consulate General of India,
Embassy of India,
B-1, Diplomatic Quarter,
P.O.Box - 94387,



Riyath - 11693,
Kingdom of Saudi Arabia.

7.The High Commissioner of India,
Indian High Commission,
Al Rashid Al Mutlaq Building,
Central Hospital Street (Al Mustashfa Street),
Cross 19, Al Adama, Behind Creative Academy,
Dammam, Saudi Arabia.

8.The Chief Secretary,
Government of Tamil Nadu,
Chief Secretariat,
St.George Fort,
Chennai - 600 009.

9.The Home Secretary,
Government of Tamil Nadu,
Chief Secretariat,
St.George Fort, Chennai - 600 009.

10.The Principal Secretary and Commissioner,
The Commissionerate of Rehabilitation and
Welfare of Non-Resident Tamils,
Chapauk, Chennai - 600 005.

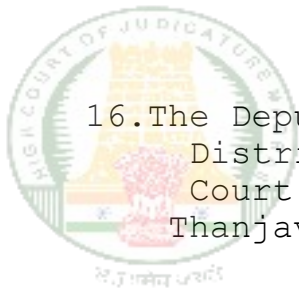
11.The Joint Secretary,
Government of Tamil Nadu,
Public (RH-I) Department,
Secretariat,
Chennai - 600 009.

12.The District Collector,
District Collectorate,
Thanjavur District.

13.The Director General of Police,
Dr.Radhakrishanan Salai,
Chennai - 600 004.

14.The Commissioner of Police,
Office of the Commissioner of Police,
Pudukottai Road,
Subramaniapuram,
Tiruchirappalli - 620 020.

15.The Superintendent of Police,
Office of the Superintendent of Police,
District Court Road,
Thanjavur.



16.The Deputy Superintendent of Police,
District Crime Branch,
Court Road,
Thanjavur District.

17.The Inspector of Police,
South Police Station,
Thanjavur.

18.The Inspector of Police,
Contonment Police Station,
Tiruchirappalli.

19.Bhuhari (Sub-Agent),
Vasantham Cable Vision Complex,
Koviladi,
Ayyampettai Post,
Papanasam Taluk,
Thanjavur District.

20.Iqbal
Proprietor,
Indian Overseas Travels,
Opposite to Central Bus Stand,
Near Kavitha Restaurant,
Tiruchirappalli - 620 001.

21.Saeed Al -Quatani,
Assistant Co-Ordination Manager Legal -SA,
Yusuf Bin Ahmed Knoo Company Limited,
(Groop Legal Department),
King Saud Street),
P.O.Box 37, Dammam 31411,
Kingdom of Saudi Arabia

22.The Dean of the Hospital,
Annai Gandhi Memorial Government Hospital,
Puthur, Tiruchirappalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas Corpus directing the respondents to produce the body or person of the petitioner's daughter namely A.Immaculate aged 35 years before this Court and set her at liberty.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondent : Mr.S.Ravi,

Nos.8 to 18 7 22 Standing Counsel

For Respondent : Ms.L.Victoria Gowri

Nos.1 to 7 Assistant Solicitor General of India



O R D E R

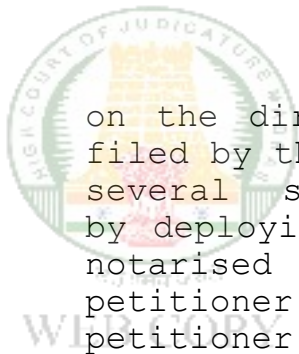
[Order of the Court was made by B.PUGALENDHI, J.]

The petitioner filed this habeas corpus petition for directing the respondents to produce the petitioner's daughter, namely, Immaculate, aged 35 years, before this Court and set her at liberty.

2.The case of the petitioner is that her daughter Immaculate married one David of Dingul district in the year 2007, however, she returned to the petitioner's house in the year 2012 due to certain misunderstandings between them. While so, she got job opportunity at Saudi Arabia through 20th respondent and she also went to Saudi Arabia on 20.10.2012. She was assured that computer operator job would be provided to her, whereas, she was treated as housemaid. It was also reported by her to the petitioner, who in turn requested the 20th respondent to send her daughter back to India. While so, on 21.05.2013, he received a call from a unknown person that the petitioner's daughter Immaculate died at Dammam. When the petitioner contacted the 21st respondent, it was informed that her daughter committed suicide by hanging herself. On hearing this, the petitioner lodged a complaint on 21.05.2013 as against respondents 19 to 21 before the 18th respondent and also filed a writ petition before this Court in W.P(MD)No.17036 of 2013 seeking a direction to the 13th respondent to investigate the cause of death of his daughter. Pursuant to the orders of this Court, the body of the deceased was subjected to DNA test and the mortals were also sent to him through the embassy. In view of the subsequent developments, the petitioner had withdrawn the writ petition in W.P(MD)No.17036 of 2013 on 03.03.2021. However, he also filed a writ petition in W.P(MD)No.18972 of 2015, seeking compensation and the same is pending.

3.This habeas corpus petition is filed based on a video footage telecast in a channel called Sun tv on 24.01.2019, wherein it is said that 23 women including the petitioner's daughter were shown as captive without providing any food and basic needs in Saudi Arabia. Based on this video footage, the petitioner has sent a representation in the year 2019 and filed this present habeas corpus petition, raising certain disputes with regard to the postmortem conducted at Saudi Arabia.

4.Taking notice in this case, Ms.Victoria Gowri, learned Assistant Solicitor General of India would submit that the petitioner's daughter Immaculate, having passport No.G-9934365 died at Dammam on 10.05.2013 by committing suicide. On hearing this, the petitioner requested to find out the real cause of her death. Based on his request, Forensic report from Saudi authorities was sent to the petitioner on 24.10.2013. It was confirmed by Saudi authorities that the death of the petitioner's daughter is a suicidal one. Based



on the directions given by this Court in W.P(MD)No.17036 of 2013 filed by the petitioner, to bring the body of the deceased to India, several steps were taken to bring the mortals to India, by deploying embassy officials to Dammam in Saudi Arabia. However, notarised consent as required by the embassy was not given by the petitioner till 09.01.2014. In the absence of written consent of the petitioner and to comply with the order of the Court, the mortals were brought to India at Trichy Airport on 09.01.2014 escorted by a social worker. But the petitioner disputed the identity of the body as that of Immaculate. Therefore, the mortal remains were handed over to RMO, Tiruchirappalli Government Hospital, kept in mortuary and subsequently, DNA tests were conducted by the Government Hospital and it was concluded that the mortal remains were of the petitioner's daughter Immaculate. In the meantime, the personal belongings of the deceased Immaculate were handed over to the petitioner. Therefore, the petitioner has withdrawn the writ petition in W.P(MD)No.17036 of 2013 on 03.03.2021. Having withdrawn the earlier writ petition, this petition is filed for the very same relief based on the video footage telecast in a channel Sun tv on 24.01.2019.

5.The learned Assistant Solicitor General further submitted that it is to be noted that the earlier writ petition was withdrawn on 03.03.2021, after the said video footage was telecast on 24.01.2019. She further submitted that insofar as the said video footage telecast regarding a group of women in Sun tv channel, a report was received from the Second Secretary (CW) Embassy of India, Riyadh that they have gathered information from the Embassy of Sri Lanka in Riyadh and it confirmed that the video pertains to 18 Sri Lankan women having problem in KSA and all of them have already been repatriated to Sri Lanka. Therefore, based on the video, the petitioner is not entitled for any relief as sought in this writ petition.

6.This Court paid its anxious consideration to the rival submissions and perused the materials placed on record.

7.The petitioner had earlier filed a writ petition in W.P(MD) No.17036 of 2013 for a direction to investigate and find out cause of death of the petitioner's daughter Immaculate at Dammam, Saudi Arabia, to bring her dead body from Dammam, Saudi Arabia to India and hand over the dead body to the petitioner.

8.In the said writ petition, this Court in the order dated 24.09.2014 has recorded as follows;

" In this writ petition, several interim directions were issued and ultimately the body of the deceased was brought from Saudi Arabia. The petitioner suspected the identity of the body which was brought to India stating that it is not his



daughter. Therefore, this Court directed a fresh postmortem to be conducted and also the DNA test. Now a report has been received from the Dean, KAP Viswanatham Government Medical College, Tiruchirappalli addressed to the Registry of this court. On a perusal of the report, it is seen that the DNA test results of the samples were found to belong to a female individual and that it was the daughter of Mr.A.Antony Yagappa (petitioner) and Mrs. A. Pauline Marthar.

2.As regards the opinion of the cause of death, following is the observation:

" In view of the absence of antemortem injuries negative report of chemical analysis of viscera and highly decomposition changes of the body tissues. No definite opinion can be given for the cause of death.

3.In the light of the above fact, it has been established that the deceased is non other than the daughter of the petitioner. Therefore, the petitioner should receive the body of his daughter to perform the last rites.

4.Accordingly, there will be a direction to the Dean, K.A.P. Wisvanatham Government Medical College, Tiruchirappalli to hand over the body of the deceased to the petitioner in the presence of the Commissioner of Police, Ellandra, Tiruchirappalli City. The petitioner shall execute necessary acknowledgement for receipt of the body.

5.At the time when the body was received at Tiruchirappalli from Saudi Arabia, the original passport of the deceased and other records such as copies of death certificate etc., were handed over to the then Assistant Solicitor General of India Mr.K.K.Senthilvelan. This Court directed him to return the same to the learned Counsel for the petitioner. The petitioner is ready to accept the same.

6.In view of the above, Mr.K.K.Senthilvelan, Advocate and former Assistant Solicitor General of India is directed to hand over all the records in his custody which was received by him to the Registry of this Court and the Registry shall issue a receipt to him and thereafter, the records shall be handed over to the writ petitioner in the presence of his counsel. The Registry shall obtain requisite receipt from the petitioner.



7.The report submitted by the hospital with the original cassette of the postmortem performed, shall be retained in this petition as case records. Registry to mark a copy of this order to the Dean, K.A.P.Viswanatham Government Medical College, Tiruchirappalli and the learned Additional Government Pleader shall also communicate the same to the Dean."

9.While so, the petitioner has withdrawn the earlier writ petition in W.P(MD)No.17036 of 2013, on 03.03.2021 and filed this present habeas corpus petition based on a video footage telecast on 24.01.2019 in a Tamil channel. It is to be noted that the petitioner has withdrawn the earlier writ petition, after the telecast of the video and filed this petition relying on the video footage. Further it was confirmed through the Embassy of India, Riyadh that the video footage relied on by the petitioner pertains to 18 Sri Lankan women, who were already repatriated to Sri Lanka.

10.In view of the above, this habeas corpus petition is dismissed.

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

dsk

To

- 1.The Secretary to Government,
Ministry of External Affairs,
Jawahar Lal Nehru Bhavan,
South Block, New Delhi.
- 2.The Secretary to Government,
Ministry of Overseas Indian Affairs,
Abkar Bhavan, Chanakayapurai,
New Delhi - 110 021.
- 3.The Protector General of Emigrants,
Ministry of Overseas Indian Affairs,
9th Floor, Akbar Bhavan,
Chanakyapurai,
New Delhi - 110 021.



4.The High Commissioner (Ambassador) of Saudi Arabia,
Royal Embassy of Saudi Arabia,
No.2, Pachchimi Marg,
Vasant Vihar,
New Delhi - 110 057

5.The Consulate General of The Saudi Arabia,
Market Tower "F" 4th Floor,
Cutte Parade,
Mumbai - 400 005.

6.The First Secretary (Cons),
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B-1, Diplomatic Quarter,
P.O.Box - 94387,
Riyath - 11693,
Kingdom of Saudi Arabia.

7.The High Commissioner of India,
Indian High Commission,
Al Rashid Al Mutlaq Building,
Central Hospital Street (Al Mustashfa Street),
Cross 19, Al Adama, Behind Creative Academy,
Dammam, Saudi Arabia.

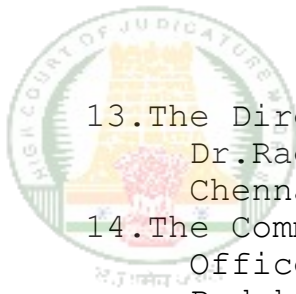
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16.The Deputy Superintendent of Police,
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Court Road,
Thanjavur District.

17.The Inspector of Police,
South Police Station,
Thanjavur.

18.The Inspector of Police,
Contonment Police Station,
Tiruchirappalli.

19.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SARVAGAN PRABHU, Advocate (SR-21602[F] dated
08/07/2021)

dsk

H.C.P(MD)No.871 of 2021

07.07.2021

MGJ(14.07.2021) 9P 21C